



Addressing Offending by Women: A Literature Review

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Addressing Offending by Women: A Literature Review

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Report No. 21



Northern
Ireland
Office

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Report prepared for the Northern Ireland Office

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Executive Summary

The Report

The overall aim of this report is to provide a review of recent literature on women offenders' needs and approaches adopted towards women in terms of policy and practice to address their offending. The review was commissioned by the Criminal Justice Directorate of the Northern Ireland Office and the intention is that it will help inform the development of best practice in the approaches adopted towards women who offend in Northern Ireland.

The literature was primarily drawn from British studies, with some reference to international research, in particular in Canada and draws upon research, albeit limited, relating to women who offend in Northern Ireland. The review was structured within the framework of the five key areas of the Draft Strategy for the Management of Women Offenders in Northern Ireland:

- Reducing women's offending
- Providing alternatives to prosecution and custody
- Community supervision and intervention
- Women's centre provision
- Gender-specific approach to custody

Chapter 1 seeks to provide an overview of the needs of women who offend and the most appropriate and effective approach advocated in the literature to address offending by women.

Chapter 2 examines evidence relating to the provision of alternatives to prosecution and custody, taking account of their appropriateness for women offenders and effectiveness in diverting women from prosecution and custody.

Chapter 3 discusses sentencing practices in relation to the use of community sentences, and the provision of programmes and interventions for women supervised in the community.

Chapter 4 reviews evaluations of the implementation, operation and effectiveness of women's centres in Britain, including the 218 Centre in Scotland, the Together Women Programme in England, the Asha Centre in England and the Turnaround women's centre in Wales.

Chapter 5 discusses concerns identified in the literature relating to women's imprisonment and gender-specific approaches for women prisoners that have been advocated to try and address these concerns.

Chapter 6 presents the conclusions. It draws upon key themes identified in the literature review which are of particular relevance to the development of best practice in addressing offending by women in Northern Ireland.

Findings

Chapter 1 highlights the multiple, complex and inter-related needs of women offenders, demonstrating that the majority experience severe social exclusion, with histories of unmet needs in relation to education, employment, emotional, mental and physical health, housing and income and experiences of abuse. It identifies the lack of information on the needs of women who offend in Northern Ireland and the requirement for further research to inform the development of appropriate assessment, and effective policies and practices to address their needs.

Women's pathways into and out of offending are recognised as being different to those for men and generic interventions designed to address male criminogenic needs are deemed inappropriate for women offenders. The importance of reconceptualising women's needs to take account of their life experiences and acknowledge the wider socio-economic context, rather than focusing on the risk-needs model is emphasised.

The need to divert women from prosecution and from custody is recognised throughout the literature, particularly where it is not justified by women's offending behaviour and for women with mental health issues, and learning difficulties and disabilities.

Best practice in addressing women's offending is deemed to be achieved in approaches underpinned by:

- Empowerment: described as a process through which women gain insight into their situation, identify their strengths, and are supported and challenged to take positive action to gain control of their lives.
- Meaningful and responsible choices: based on the view that with appropriate information, resources, and understanding of the implications of their choices, women can make meaningful and responsible choices.
- Respect and dignity: seen to accrue from a reciprocal relationship and are most obvious when a person gains self-respect and is able to respond to others.

- Supportive environment: seen as a prerequisite to accessible services, which, in turn, enable the generation of meaningful and responsible choices.
- Shared responsibility: requires that all formal and informal services, that is government, corrections, community, public and private organizations have some part to play in supporting women's efforts to participate as contributing members of society.

Chapter 2 identifies concerns that alternatives to prosecution and custody have the potential to supplement rather than replace traditional measures adopted to address women's offending. As such, attempts to divert women from prosecution and custody may lead to net-widening and up-tariffing of sentences for women. To enhance the use of diversionary measures as strict alternatives to prosecution and custody, appropriate measures should be developed. Research specific to Northern Ireland is required to inform the development of diversionary measures. Consideration needs to be given to avoiding monetary measures which have the potential to add further strain for women experiencing financial difficulties. A key theme identified is the need to divert women from custody for fine default. There is limited evidence about the effectiveness of alternative measures introduced in Britain to divert women from prosecution and it appears that the tendency is to focus on monetary measures. Research which examines the decision-making processes employed by the police, prosecution and courts is required to help inform how the use of diversion can be enhanced.

Chapter 3 reveals concerns relating to the use of community sentences by courts and the provision of appropriate interventions, services and programmes in the community. There is a need for further research into the specific needs of women serving community sentences and the sentencing decisions which lead to community sentences. Concerns relating to the appropriateness of sentencing and remand decisions in relation to women may be addressed through the increased availability and co-ordination of, and funding for, women's services in the community, and increased awareness on the part of the courts and prosecutors concerning women's experiences.

Additional community-based, women-specific interventions, services and programmes are required in Northern Ireland for women supervised in the community. There is a distinct need for additional provision to provide services for women who offend presenting with mental health issues, and learning difficulties and disabilities.

Chapter 4 indicates that best practice is reflected in the provision of community-based, women-only centres for both offenders and non-offenders, based on multi-agency co-operation, providing services which address the identified multiple and complex needs of women in a supportive and safe environment. Service users should actively participate in the assessment of their needs and plans to address these needs, and should have ongoing access to services when required. Practical help with issues such as accommodation, childcare and transport should be provided.

Communication within and between agencies providing services must be maximised, and the courts' and probation officers' awareness of provision is vital. The need for ongoing evaluation and monitoring of women's centres, and long-term guarantees of financial support are also emphasised.

Chapter 5 documents concerns about adapting Ash House for women prisoners in Northern Ireland rather than prioritising the development of a discrete women's facility with complete separation from male prisoners and gender-specific provision. The literature provides extensive recommendations for women-centred policies and regimes which take account of the needs of women in prison and following their release. Emphasis is placed on addressing inter-related needs including separation from children, mental health, suicide and self-harm, experiences of victimisation, substance misuse, the provision of work experience and education opportunities, and access to community-based support services pre- and post-release and accommodation on release.

Recommendations put forward for prison-based programmes to address women's offending include:

- A consistent 'primary worker' with whom women can build trust and work on their goals
- Interventions which address needs identified by prisoners themselves
- Flexibility in how group programming operates
- Opportunity to learn from and receive support from peers
- Links to community services
- Prisoner advocate inside

The consistent message is that the imprisonment of women should be strictly limited to the most serious offenders.

Chapter 6 concludes that the development of best practice in addressing offending by women in Northern Ireland requires particular consideration to be given to a number of key themes identified in this literature review. It suggests that policy and practice must be underpinned by a commitment to research, financial support, a shared ideology and communication. There is a need to gain a deeper understanding of women's offending behaviour and criminal justice practices relating to women through research which takes account of the social, political and economic context within which women live and the system operates. There is also a need to provide adequate financial support for the sufficient and appropriate provision of community-based services within and outside the criminal justice system, and the provision of a separate and appropriate custodial facility. A further need suggested in the literature is that the provision of options for the diversion of women from prosecution and custody must be accompanied by the ideological commitment of prosecutors, probation officers and the judiciary to diversionary practices. Finally, there is a need for a commitment to communication to enhance knowledge and awareness of gender-specific needs and provision, and to enhance working practices within and between criminal justice agencies, and other statutory and non-statutory service providers.

Contents

Introduction	viii
Chapter 1 Reducing Women's Offending	1
1.1 Gender Differences	1
1.2 Women Offenders' Needs	6
1.2.1 Poverty and Financial Difficulties	7
1.2.2 Childhood and Adulthood Abuse	10
1.2.3 Physical and Mental Health	12
1.2.4 Substance Misuse	15
1.2.5 Accommodation Problems	17
1.3 A Gender-Specific Approach for Women Offenders	18
 Chapter 2 Alternatives to Prosecution and Custody	 25
2.1 Warnings and Adult Cautions	26
2.2 Fines	27
2.3 Conditional Cautions	29
2.4 The Scottish Diversion from Prosecution Scheme	32
2.5 Bail and Electronic Monitoring	33
 Chapter 3 Community Supervision	 37
3.1 The Use of Community Sentences	38
3.2 Community Provision	42

Chapter 4	Women’s Centre Provision	53
4.1	The 218 Centre	53
4.2	The Together Women Programme	57
4.3	Women’s Turnaround Project	60
4.4	The Asha Women’s Centre	62
Chapter 5	Gender-Specific Approach to Custody	67
5.1	The Provision of a Separate Women’s Facility	68
5.2	Gender-Specific Provision for Women in Prison	70
5.3	The Use of Prisons as Treatment Centres	74
Chapter 6	Conclusions	81

Introduction

The need for gender awareness in addressing offending by women has recently begun to receive recognition throughout the United Kingdom and has gained impetus since the publication of the Corston (2007) report. Corston reinforced calls for the adoption of a gender-specific, multi-agency, holistic approach to address the needs of women who come into the criminal justice system, presenting with multiple experiences of disadvantage in terms of poor physical and mental health, lack of educational attainment, poverty and experiences of abuse. Acknowledging the significant differences between men and women in offending behaviour, underlying circumstances to offending, and personal circumstances, Corston presented the key elements for developing a gender-specific approach for women offenders and set out a 'blueprint for a distinct, radically different, visibly-led, strategic, proportionate, holistic, women-centred, integrated approach' (p. 79).

In February 2009, the Draft Strategy for the Management of Women Offenders in Northern Ireland - a partnership between the Criminal Justice Directorate of the Northern Ireland Office (NIO), Probation Board for Northern Ireland (PBNi) and the Northern Ireland Prison Service (NIPS) - was launched by the Northern Ireland Office (NIO 2009) for consultation. It aims to improve the approach to the management of women offenders in Northern Ireland, both in the community and in custody, taking account of the need for gender awareness in addressing offending by women. In line with the draft strategy, the Criminal Justice Directorate of the Northern Ireland Office commissioned this independent report to provide a review of literature on best practice, particularly in the United Kingdom (UK) and the Republic of Ireland (ROI), in addressing factors that contribute towards offending and re-offending by women.

The intention of this literature review was to focus on research evidence on best practice emanating from UK and Irish initiatives, and to a lesser extent international initiatives, designed to address offending and reoffending by women, and to comment on the application of these practices in Northern Ireland. The initial stage of the study, however, revealed the lack of provision in the ROI specifically designed for women who offend and the consequent dearth of research which could be drawn upon to inform best practice in addressing offending by women. It also revealed that most of the evidence in the rest of the UK related to recent or newly emerging developments. As such, this tended to yield evidence of gaps in delivery and areas requiring further development. Consequently, positive developments as well as the concerns raised about policies and practices are included in this report. It is intended that this will highlight areas of effective and emerging good practice, as well as areas for further consideration in the development of the Strategy for the Management of Women Offenders in Northern Ireland.

This report provides a review of recent published literature relating to women's offending behaviour and approaches adopted to address offending

by women. The literature is primarily drawn from England and Wales, and Scotland, with some reference to international research, in particular in Canada and draws upon research, albeit limited, relating to women who offend in Northern Ireland. It was accessed via searches of a number of electronic databases of publications, and government and non-government websites.

The relevant research evidence identified by the literature review is discussed within the framework of the five key areas of the Draft Strategy for the Management of Women Offenders in Northern Ireland. These form the basis of Chapters 1 to 5 of this report, namely:

- Reducing women's offending
- Alternatives to prosecution and custody
- Community supervision
- Women's centre provision
- Gender-specific approach to custody

Chapter 1 seeks to provide an overview of the needs of women who offend and the most appropriate and effective approach advocated in the literature to address offending by women.

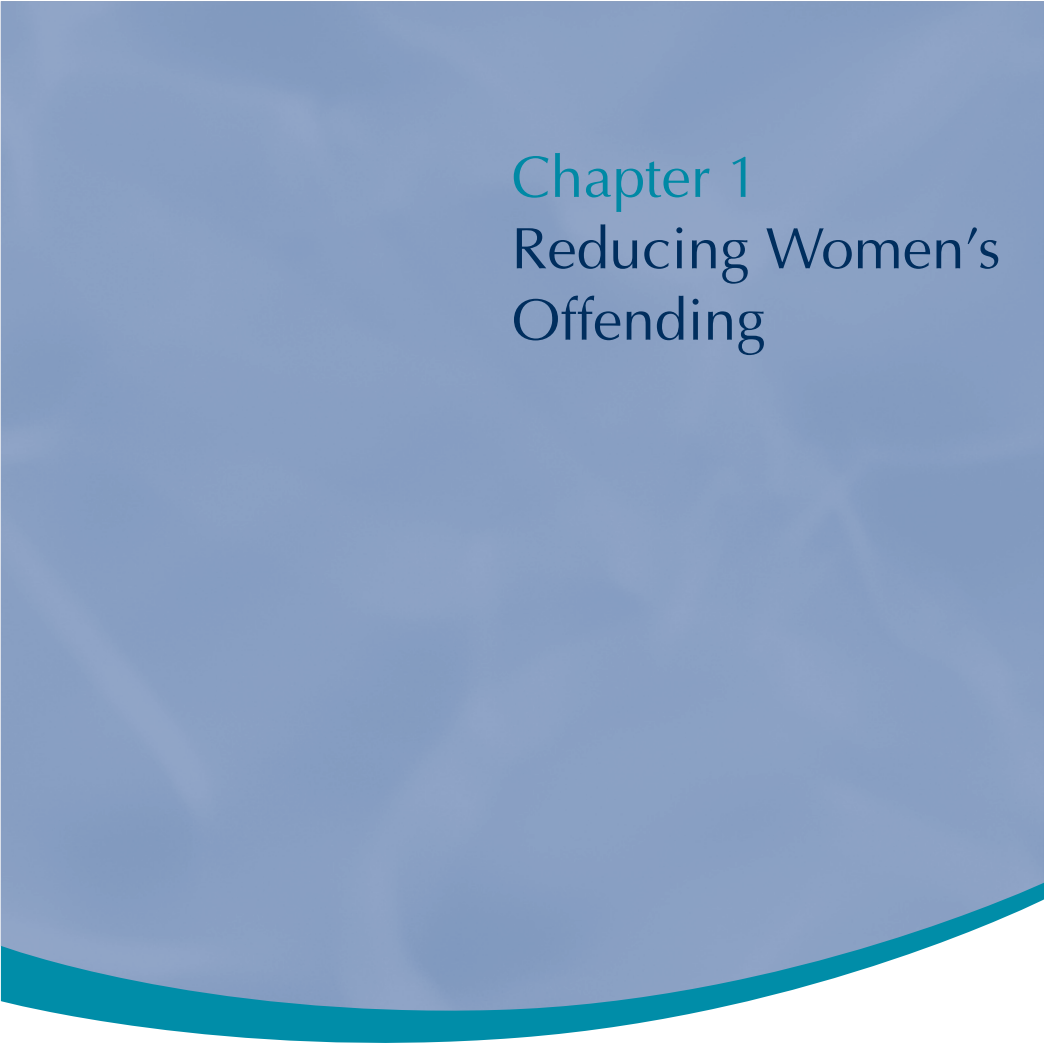
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Chapter 1

Reducing Women's Offending

Chapter 1 Reducing Women's Offending

An understanding of women's offending is deemed necessary in order to develop appropriate and effective approaches to address their offending behaviour. As Hannah-Moffat (2004: 247) puts it:

"In the long run, a failure to understand and respond to gender is inefficient and counter-intuitive in terms of the development of 'best practices for women' particularly if one subscribes to the logic of 'what works'".

This chapter examines the literature which relates to the key issues associated with offending by women and approaches which are advocated to reduce women's offending.

1.1 Gender Differences

Drawing upon the research evidence on women's 'criminogenic', desistance-related and resettlement needs,¹ Gelsthorpe et al (2007) demonstrate that the needs of women who offend or who are at risk of offending are multiple, complex, interrelated and distinctive. Provision, therefore, 'needs to take into account distinctive features of women's lives and needs in order to facilitate effectiveness' (Gelsthorpe and Sharpe 2007: 200). This push for 'gender-informed' or 'gender-sensitive' provision has been emphasised by Corston's (2007: 79) 'blueprint for a distinct, radically different, visibly-led, strategic, proportionate, holistic, women-centred, integrated approach'.

The planning of effective services, according to Hedderman (2004: 242), must be informed by increased knowledge and understanding of 'factors which are unique to, or more relevant for, women who offend', as opposed to the provision of programmes which focus on male criminogenic factors. In Northern Ireland, the need for increased knowledge is particularly pertinent given the dearth of research in relation to women who offend, including women's reasons for offending and desistance, as well as their experiences of the criminal justice system. There is also a lack of research on decisions made by the police, prosecution, probation and courts, and practices adopted in the supervision of women in the community. Yet these factors have the potential to impact on women's offending. The need for methodologically rigorous studies within Northern Ireland is further evident given the differences in its social, political, economic and cultural context compared with Britain, and the USA and Canada from which most of the evidence base is gathered.

1. Gelsthorpe et al (2007: 15) explain that 'the term 'criminogenic needs' has particular meaning and is based on specific research', but use the term to indicate their interest in 'women's pathways into crime more generally'.

The emphasis on criminogenic needs/dynamic factors associated with the risk of reoffending is attributable to the risk-needs model of criminal behaviour which 'has become highly influential in guiding research and practice in the criminal justice arena' (Hollin and Palmer 2006: 179). Much of the current thinking on what works with offenders is underpinned by the core principles of risk, need and responsivity. These principles suggest that in order to reduce recidivism, the intensity of the intervention should be matched to the assessed risk level of the offender, the intervention should target the identified criminogenic needs and be delivered in a manner that matches the learning styles and needs of the participant (Blanchette and Brown 2006).

Criminogenic needs are defined as 'a subset of an offender's risk level' (Andrews and Bonta 1998, cited in Blanchette 2004: 233). They are dynamic risk factors which are amenable to change and associated with reoffending. These are 'personal traits or conditions' (Hedderman 2004: 228), including 'antisocial attitudes, identification with antisocial models, weak (pro)social ties and strained family relationships, high levels of dependency on drugs and or alcohol, financial difficulties, unemployment, low educational attainment and poor cognitive skills' (Gelsthorpe et al 2007: 15). It is largely these factors which have informed interventions such as cognitive behavioural programmes (Gelsthorpe et al 2007 in reference to Hedderman 2004).

In addition to dynamic risk factors which are amenable to change, there are also static risk factors which are 'aspects of an individual's history that cannot change, such as criminal history or childhood abuse' (Hedderman et al 2008: 6). A distinction is also made between criminogenic factors and non-criminogenic factors. The former constitute factors which are associated with offending behaviour, whilst the latter are those factors which have not been statistically associated with reoffending. Thus, criminogenic factors are the factors which research evidence has linked to reoffending and which may be subject to change.

The primary sources of evidence on criminogenic needs, as outlined by Hollin and Palmer (2006), are the empirical literature on recidivism; the professional opinions of practitioners; the analysis of criminal behaviour from a social learning theory perspective; and offenders' personal accounts of their history and offending. Based on the evidence generated by research, formal risk and need assessment instruments, such as the Home Office offender assessment system (OASys),² have been developed to identify criminogenic needs of offenders (Sheehan et al 2007).

2. OASys is the national offender assessment tool widely used in the criminal justice system in England and Wales (Hollin and Palmer 2006).

Concerns have been identified in the literature about the applicability of the risk-needs model for women offenders in terms of its adequacy in assessing women's needs and consequently the effectiveness of programmes which target the needs identified. This is due to the fact that 'generic risk scales have been developed for men' and supporting studies of the effectiveness of interventions targeting these needs are primarily based on samples of male offenders (Blanchette 2004: 234). Those studies of treatment programmes which do include females have provided inconsistent results (Blanchette 2004; Clarke 2004; Francis et al 2009) and concerns have been raised about their methodological rigour (Hedderman 2004; Lart et al 2008).

The growing literature on women who offend and their needs indicates significant differences in pathways into and out of crime for men and women. In particular, the prevalence of static and non-criminogenic factors identified among women who offend and the relatively low reoffending rates for women indicate different pathways for women compared with men. The body of research which focuses on the needs of women who offend highlights the importance of taking account of factors, such as victimisation in personal relationships, which research has failed to determine constitute criminogenic needs. It recognises that indirect factors may interact with other psychological and social processes (criminogenic needs) and increase the risk of offending (Byrne and Trew 2005; 2008; Hedderman et al 2008; Hollin and Palmer 2006). Therefore, according to Hedderman et al (2008: 8), 'the conceptual issue with regard to women offenders lies in the question of how adverse life events interact with each other and how, in turn, this interaction relates to offending'. Hollin and Palmer (2006) note that further research is required to address this question in order to inform an understanding of women-specific criminogenic needs and the planning of effective services.

Others have questioned the focus on targeting criminogenic need and advocate alternative responses to women who offend which take account of the underlying circumstances to offending as well as their personal circumstances (see for example, Hannah-Moffat 2005; Sheehan et al 2007). Blanchette (2004: 234) points to the suggestion made by some authors that the focus should be on 'enhancing women's strengths and capabilities' rather than on women's criminogenic needs. She concludes, however, that whatever response is adopted, it is essential for effective provision that women are considered as 'a heterogeneous group, distinct from their male counterparts' (p. 234). Indeed, the need to recognise the diverse range of differences between women who offend in terms of age, culture and ethnicity has been reiterated in the literature (Gelsthorpe et al 2007; Kemshall et al 2004). Shaw and Hannah-Moffat (2004), for example, strongly caution against a 'one size fits all' approach to the broad category of women who offend.

In relation to enhancing women's strengths and capabilities, the benefits of emphasising offenders' strengths are recognised in the literature on desistance (Maruna et al 2004; McNeill 2006; 2009). McNeill (2009: para. 2.16) argues that the desistance paradigm for 'offender management' which he proposed in 2006 'would certainly accommodate intervention to meet needs, reduce risks and (especially) to develop and exploit strengths'. A key component of this model is the role of social workers or probation officers 'as supporters of desistance processes' (para. 2.2). McNeill (2009: para. 2.16) advocates a collaborative relationship involving the offender in the design of interventions, with the worker acting as an advocate to help strengthen the offender's social capital (resources and opportunities) and as 'a 'treatment' provider building human capital' (motivations to and capacities for change). A critical aspect of interventions, which he notes, is that rather than focusing solely on the prevention of further offending, 'they would be equally concerned with constructively addressing the harms caused by crime ... [and] with making good to offenders by enabling them to achieve inclusion and participation in society' (para. 2.26). Whilst McNeill's paradigm is not gender-specific, he recognises the importance of acknowledging 'key differences' between male and female offenders 'in terms of behavioural issues, domestic expectations and risk factors', and 'variations' in individuals' circumstances and experiences (para 1.7).

Despite the lack of research that focuses on women's desistance from crime, gender variations in the processes of desistance have been identified (Giordano et al 2002; McIvor et al 2004; Rungay 2004) and desistance for women has been strongly associated with the accumulation of social capital (McAra 2008). McNeill's desistance paradigm incorporates a range of factors identified in the literature relating to gender-specific approaches to women's offending. These include the importance of interventions which enhance women offenders' participation and inclusion in society and communication with probation officers, and facilitate their involvement in the design of the intervention. Pollack (2008), for example, argues that the development of community supports for women offenders should reflect what women feel is helpful and help connect them to resources, training, counselling and other supports. In relation to interventions in prisons, she (2004) advocates an anti-oppressive practice (AOP) framework which seeks to see women prisoners' problems within the wider social context of their lives and is more inclusive of their experiences.

As recognised by Mair (2004), the case for a different approach to women that addresses their specific needs, is made within a difficult context dealing with risk not need, which leads to difficulties in justifying resources for needs that do not fit the label 'criminogenic'. There is also a tendency to adopt cognitive behavioural approaches perceived to be at odds with some of the key difficulties women offenders are seen to face such as abuse and emotional issues. Moreover, the emphasis is on 'thinking deficits' rather than structural issues of poverty and oppression. Pollack (2004: 695) raises

concerns that the cognitive-behavioural framework considers environmental factors and structural inequalities as irrelevant, rendering them invisible and 'thereby individualizing and psychologising criminal behaviour'. She argues that:

"Deconstructing 'common sense' understandings by widening the lens to include social factors and challenging pathologizing discourses, opens a space for transformative understandings and interventions" (p. 695).

Pollack (2004) identifies the need to understand how women offenders engage with the various forces, including experiences of child and adult abuse, and drug or alcohol addictions, impacting their lives and make decisions within this context.

Similarly, the approach advocated by Gelsthorpe et al (2007: 15) moves beyond the risk-needs model focus on criminogenic factors and entails a broader understanding of women's pathways into crime which takes account of 'both indirect factors (such as experiences of physical and sexual abuse ... and direct factors (such as financial difficulties), all of which may be relevant to pathways out of crime'. Echoing the literature, their analysis of OASys data 'suggests that a key characteristic of women offenders is the likely presence of *multiple presenting problems*' (p. 7, original emphasis). Their review of the research evidence on women's criminogenic, desistance-related and resettlement needs provides an overview of the characteristics of women offenders consistently identified in relevant literature. The key characteristics which they have identified are also evidenced in the, albeit limited, research relating to women's offending in Northern Ireland.

Byrne and Trew's (2005; 2008) qualitative study of nine men and nine women attending Probation Board for Northern Ireland offending behaviour programmes as a condition of a current probation order reinforces findings relating to women offenders in Britain and internationally. Examining the processes through which participants' involvement in crime developed over time, they reveal 'the gendered nature' of pathways into and out of crime (p. 239). Life problems including abusive, broken or problematic relationships, financial difficulties, responsibilities of motherhood, emotional and mental health problems, were commonly related to women's offending and alcohol abuse. Their findings, which link offending with ways of coping with other problems, reinforce the view that effective interventions to address women's offending must focus on the multiple problems they experience. Also lending support to calls for gender-specific criminal justice, they found that women are more likely, than men, to experience the criminal justice process adversely. They conclude with a call for approaches which take account of the complexity of influences on the onset and desistance of offending, as opposed to the tendency to favour 'simplistic approaches targeting single issues' (p. 256).

Further research conducted in Northern Ireland relating to women offenders is integrated into the following discussion. It includes the Probation Board for Northern Ireland (PBNI) study into women under supervision and on whom the PBNI prepares reports (Bailie 2006). This entailed staff seminars with experienced probation staff and a desk top study of a sample of 150 pre-sentence reports (PSRs). Information is also gleaned from the needs analysis interviews with 25 women prisoners conducted by the Northern Ireland Prison Service (NIPS 2005; Roberson and Radford 2006) and comprehensive reports relating to the imprisonment of women in Northern Ireland by the Independent Monitoring Board (IMB 2008); HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice in Northern Ireland (HMCIP/CICJNI 2005; 2008), the Northern Ireland Affairs Committee (NIAC 2007), and Scraton and Moore (2005; 2007).

1.2 Women Offenders' Needs

The research literature relating to women in the criminal justice system, as noted by Gelsthorpe et al (2007), reveals that most women in the criminal justice system are young with fewer previous convictions than men and their offending is most often associated with poverty and financial difficulties. Hedderman et al (2008: 7) also note that the literature suggests that unlike male offenders 'an extensive changing history is not a general characteristic of women offenders ... It follows that risk of re-offending accelerates more quickly for men than for women'. These findings would appear to be reflected among women offenders in Northern Ireland. For example, in 2003 the rate of conviction for females was highest for those aged 22 to 24 (NIO 2006). Females are more frequently prosecuted for acquisitive offences (theft, burglary and fraud and forgery) (NIO 2002) and a significant proportion of female prison receptions (38% in 2007) are for fine default, with most defaulting on low level fines imposed for relatively minor offences (NIO 2009). Also, a significant proportion of females in the criminal justice system have no previous convictions. The Northern Ireland Affairs Committee (NIAC 2007), citing Probation Board for Northern Ireland (PBNI) findings, notes that around 50 percent of women prisoners have no previous convictions. The PBNI (Bailie 2006) study of pre-sentence reports (PSR) prepared on women also found that 40 percent of women on whom the reports were written had no previous convictions.

Gelsthorpe et al's (2007) review demonstrates that most women in the criminal justice system experience severe social exclusion, with histories of unmet needs in relation to education and training, employment, health in terms of emotional, mental and physical health, housing and income. It suggests that few have been in paid work, many have lived on state benefits, have large debts, are lone parents, about ten percent will have experienced homelessness and forty percent will have experienced state care. The extent of social exclusion experienced by women who offend is primarily drawn from studies relating to women prisoners. These, as Gelsthorpe et al note,

reveal that the majority have both histories of unmet needs and complicated resettlement needs, resulting from adverse life experiences, including poverty, poor educational attainment, drug and mental health problems, histories of self-harm or attempted suicide or other kinds of psychological stresses and illnesses. It is also widely recognised that not only are these issues unlikely to be addressed while women are in prison, but imprisonment actually exacerbates many of their problems.

Relatively little research has been done on the subject of women and crime in the Republic of Ireland (KHF 2007) or in Northern Ireland, however the significance of these issues for women and for the development of appropriate, gender-specific provision in Northern Ireland is presented in reports relating to the imprisonment of women in Northern Ireland (HMCIP/CICJNI 2005; 2008; IMB 2008; NIAC 2007; Scraton and Moore 2005; 2007). These reports highlight the adverse life histories and experiences of women in prison, their complicated resettlement needs, and failures in policy and practice to address these particular needs. Developments proposed for a gender-specific approach to custody which include plans to address some of the concerns raised in these reports are discussed in Chapter 5.

The following sections discuss the needs of women who offend and provide the context within which the development of responses to women who offend are considered in this report. Due to the scope of the report, the discussion draws upon the literature which provides a broad overview of the needs of women who offend. This should not detract from the significance of the needs of different groups of women, such as older and younger women, ethnic minority women and women with disabilities. As indicated in the literature, further research into, and consideration of, differences between women who offend is required to enhance the development of responses to them (see for example, Gelsthorpe et al 2007).

1.2.1 Poverty and Financial Difficulties

The issue of poverty and financial hardship is of particular note in considerations of alternatives to prosecution and custody (see Chapter 2). It also raises macro-level concerns about the structural position of women in society and is of significant relevance to the planning of interventions for women who offend in Northern Ireland given the extent of economic marginalisation experienced. As highlighted by Haydon (2008), poverty is exacerbated in Northern Ireland by benefit levels which remain below the poverty line, income levels of parents which are lower than comparable levels in Britain and the proportionately higher cost of essential goods and services. In addition, Haydon illustrates how poverty in Northern Ireland is linked to reduced life expectancy, and increased hospital admissions, infant deaths and suicides.

McIvor (2007) argues that the accounts of women themselves and the experiences and characteristics of women drawn into the criminal justice system suggest that women's offending is often rooted in poverty and deprivation. Women's accounts of their lives and offending in Byrne and Trew's (2005; 2008) Northern Irish study reinforce the view that offending by women commonly takes place in 'contexts of restricted resources and limited choices' (2008: 249). For most of the women the onset of crime occurred as a response to financial problems such as unemployment, parental responsibility and dependence on State benefits. In its study of women prisoners' reintegration needs, NIPS (2005; Roberson and Radford 2006) found that the majority of women (64%) were receiving some form of social security benefit before entering prison. In addition, Bailie (2006) notes that debt and financial pressure, and having to cope as a single parent were identified in PBNI pre-sentence reports as relevant issues for women, particularly those in their 30s.

The significance of economic marginalisation and the strain that responsibility for dependent children places on many women offenders' financial situation is also evident in Gelsthorpe et al's (2007) review. It suggests that financial difficulties may be the most significant dynamic risk factor leading to offending by women and identifies the range of factors which act as barriers to women offenders achieving financial independence and 'severely restrict how successful they may be in avoiding further offending' (p. 17). These include disproportionate childcare responsibilities, drug misuse, lack of formal qualifications and criminal records.

Such barriers, and the links Arnall and Eagle's (2009) review identifies between issues of education and employment, and the onset and persistence of female offending are of particular importance in developing and planning approaches to address offending by women. For example, Arnall and Eagle argue that research suggests 'employment and enhancing employment opportunities in particular is an important focus for gender-specific interventions' (p. 74). As indicated above, this inevitably requires consideration to be given to issues, such as childcare responsibilities, which may act as barriers to education and employment opportunities. In relation to interventions for women prisoners, however, HM Inspectorate of Prisons (HMIP 2005: 2.38) warns against the tendency to focus too strongly on employability which may not be an immediate goal for women with small children and suggests that the provision of dance, pottery, cooking and drama can 'provide entry points to more formal education ... and the self-worth or relaxation that women need to deal with their problematic lives'.

Concerns about the provision of education and training for women prisoners in Northern Ireland have been raised throughout recent reports. The Independent Monitoring Board (IMB 2008: para. 2.10) notes the 'crucial importance' of employment and accommodation for women on release from Ash House to help reduce their risk of reoffending. It calls for assessment of

women prisoners' vocational training needs, and education and training tailored to the labour market, noting the potential that one-to-one tutoring may be required. It reiterated concerns about the lack of vocational training, and lack of employment 'beyond work on the landings and two or three places in cottage industries (greeting card production) ... [and] horticulture' (para. 9.6). The importance of employment and a wider range of vocational training appropriate to the needs of women prisoners was also emphasised by NIAC (2007) which draws attention to the range of training and education provided in the ROI women's prison, the Dóchas Centre. However, small numbers are deemed to render courses, such as hairdressing, not viable (IMB 2008; NIAC 2007). Also, commenting on the Northern Ireland Prison Service aim to 'help reduce re-offending by providing prisoners with relevant skills, activities, services and resettlement programmes', Loucks and Talbot (2008: 4) draw attention to the impact of 'scarce' resources, which limit work activity.

In their rapid evidence assessment (REA) of interventions aimed at reducing reoffending in female offenders, Lart et al (2008) identified a study on drug treatment for women in the USA which included outcome data on employment one year post-release. The study assessed an in-prison cognitive behavioural programme with gender specific content, followed by post-release residential treatment. It provided evidence that each day of residential treatment in the community increased a women's likelihood of employment by two percent. However, Lart et al note that due to the short follow-up period, evidence of longer-term success is not provided.

Lart et al also identified three studies of in-prison education and/or employment provision and one of probation-based employment services. The three studies of in-prison provision were all from the USA. One found that women who attended a prison-based college programme were less likely three years post-release to have returned to custody for new offences or parole violations, than the comparison group. However, 'to establish the robustness of the findings' that 8% of the intervention group and 30% of the comparison group had returned to custody, Lart et al note the need for 'a better matched comparison group' (p. 17). Another study involved prison-based educational programmes leading to a General Educational Diploma and vocational-technical programmes. The results suggested that the chances of remaining out of prison for women may be improved by gaining a Diploma, but not by participation in vocational training. Opportunities for vocational training that were provided for women are described by Lart et al as 'very limited', generally restricted to 'janitorial services, horticultural work and computer training' (p. 17). They note that such provision may even be associated with slight increases in women's offending. The third study, also on prison work and vocational training, found that participation by females in prison work or training programmes did not affect post-release arrest for new offences or revocation of parole. The published report of the study is described by Lart et al as lacking detail.

The evidence on probation-based employment services, assessed by Lart et al, is from a small UK study of reconviction rates carried out to assess the impact on reoffending of two community-based projects in different probation areas. They note the small number of seventy-four women involved and the lack of women-only comparison groups and state that definitive conclusions about the impact of the projects could not be drawn from the study. They conclude that the evidence on employment and vocational training 'suggested that current modes of training and employment were not appropriate' (p. 25) and the question as to what would be appropriate forms of employment and vocational training support to women in prison and supervised in the community could not be answered.

Given the limited evidence identified by Lart et al, further studies are required to enhance the approach to education, learning and employment outlined by the NIO (2009). Demonstrating good practice advocated in the literature (for example, Barry and McIvor 2008), this approach involves linking up government departments with voluntary and community sector organisations. It includes PBNi funding for community and voluntary agencies providing employment training services, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) Jobtrack employment programme for serving prisoners and plans to establish a mentoring programme for women prisoners to enhance their job prospects. The literature also indicates, however, that significant research is required to address the gap in the existing evidence base. It suggests that further consideration should be given to identifying appropriate services and interventions, including existing and potential provision. Based on the literature, it would also appear that greater emphasis needs to be placed on community-based as well as prison-based provision, and on the barriers faced by women who offend, including the recognised impact of criminal records on employment opportunities. As discussed in Chapter 2, legislative changes relating to criminal records have been suggested.

1.2.2 Childhood and Adulthood Abuse

The literature clearly documents the high prevalence of women offenders' experiences of interpersonal victimisation in childhood and adulthood. Whilst there is limited evidence on the actual extent of abuse experienced by women, Bailie (2006) notes that experiences of physical abuse and sexual abuse were recorded in the majority of women's PSRs (74.5% physical abuse, 10.5% sexual abuse). Scraton and Moore (2007: 20) also point out that 'all studies of women's imprisonment' reveal a high concentration of experiences of verbal, physical and/or sexual abuse amongst women prisoners. They caution against assuming that this means there is a direct link between these experiences and offending.³

3. Scraton and Moore (2007) indicate that the inadequate evidence relating to the extent of victimisation of females, in the general population, by males known to them through intimate relations makes it difficult to determine whether or not experiences of abuse are elevated for women who offend.

Indeed, Arnall and Eagle (2009) and Hedderman et al (2008) acknowledge that research has been unsuccessful in determining a causal link between victimisation and offending. They recognise that this is problematic within the context of the risk-needs model of offending as the predictive power of experiences, such as physical and sexual abuse, with regard to offending is questionable. This failure to define such experiences as criminogenic leads to concerns that the needs of women who have experiences of abuse will not be met within criminal justice interventions which seek to focus on factors which are statistically linked to the onset of offending and recidivism, and are amendable to change. Gelsthorpe et al (2007: 19), citing Hannah-Moffat (2005), argue that the current emphasis on criminogenic need may disadvantage women and their 'gender specific needs are unlikely to be met'.

Irrespective of difficulties in determining links between victimisation experiences and offending behaviour, and comparisons between women within the criminal justice system and their counterparts, this issue has significant implications for the development and provision of services for women. Of particular note, the psychological, physical and social consequences of childhood and adulthood abuse, 'leave some women damaged, fearful and vulnerable' (Scruton and Moore 2007: 20). This raises moral, welfare and practical implications for the provision of adequate and appropriate responses to women who offend presenting with experiences of abuse.

In addition, the significance of the consequences of abuse for women who offend is increasingly being identified in research into women's offending. Evidence suggests, that compared with men, women's victimisation experiences are more relevant to their pathways into and out of crime (Byrne and Trew 2005; 2008; Hollin and Palmer 2006). Whilst victimisation may not be deemed a criminogenic need, emerging research indicates that it is interconnected with criminogenic and other needs. Gelsthorpe et al (2007: 17) point to the contention by Rungay (2005) and others that 'victimisation may combine with a lack of resources to become a major pathway into crime'. They also point out that the impact of childhood and adulthood abuse may to some degree explain high rates of substance misuse and high levels of mental health problems among women who offend. This is reinforced by Brewer-Smyth (2004: 845), who found that traumatic events, especially physical and sexual abuse are associated with neuropsychiatric conditions, and women had used alcohol and drugs 'to feel better and forget about pain from past traumatic events'. Similarly, Byrne and Trew (2005; 2008) found that negative interpersonal relationships for women offenders in Northern Ireland appeared to be connected to drug and alcohol misuse. Experiences of abuse have also been found to have a negative impact on educational performance (Brewer-Smyth 2004), which Arnall and Eagle (2009) suggest may lead to a reduction in opportunities for legitimate work.

Lart et al (2008), in their REA of interventions aimed at reducing re-offending in female offenders, found that whilst victimisation is one of the most frequently cited issues impacting on women offenders, the existing evidence base revealed gaps regarding this issue and precluded an assessment of the effect of targeting victimisation. What is evident in the literature is the need for women-only provision to address the effects of sexual abuse and trauma on women and to take account of inter-related issues such as poverty, education, substance misuse and mental health in the development of responses.

1.2.3 Physical and Mental Health

Whilst Hollin and Palmer (2006) recognise the difficulties in determining whether or not mental and physical health is a criminogenic need due to the male-oriented focus of recidivism studies, their literature review presents evidence that mental and physical health is a concern for many women prisoners. They report on the high levels of mental disorder (59.4%) across a large sample of women on remand in British prisons studied by Parsons et al (2001). In descending order, the most frequently found conditions were personality disorder, mood disorders, anxiety disorders, and psychotic disorders. In addition, Talbot (2007) reports that 70% of female sentenced prisoners suffer from two or more mental health disorders.

Loucks and Talbot (2008) suggest that specific information on mental health issues, and suicide and self-harm among prisoners in Northern Ireland is limited, but point to NIPS (2005) findings that 60% of women prisoners interviewed had been taking some form of medication prior to their imprisonment, 68% had been referred for psychiatric assessment, 60% had suffered from panic attacks and 88% had experienced depression while in prison. The extent of the health needs of women in the criminal justice system is further evidenced by the level of self-harm amongst women prisoners. Talbot (2007) reports that of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life. Loucks and Talbot (2008) note that almost half (48%) of the women prisoners interviewed by NIPS (2005) said they had experienced suicidal thoughts, 32% had experience of self harm, and 32% had attempted to take their own lives. The IMB (2008) report highlights the extent of self-harm and suicide attempts among women in prison in Northern Ireland, with 64 incidents of self-harm and five suicide attempts by women prisoners during its reporting year 2007/2008. A further experience identified by NIPS (2005), which reflects women prisoners' traumatic experiences was the high percentage (76%) of women who experienced the death of someone close within the previous five years, with many including young women in their 20s having lost a number of people close to them.

Concerns about mental health and personality disorders among women prisoners in Northern Ireland, the inadequate and inappropriate response to these issues and the need to divert women experiencing these issues from custody have been widely and consistently documented in Northern Ireland (see for example, NIAC 2007). Scraton and Moore (2005; 2007), in particular, draw attention to the significance of these issues in relation to the deaths of three young women in custody. Both changes to legislation to include personality disorders within the remit of the Mental Health (Northern Ireland) Order 1986 and the provision of further facilities both in prison and in the community for the support of women with mental health and personality disorders have been called for (see for example, NIAC 2007). Further provision would arguably facilitate diversion from custody in the first place and transfers from prison. However, in addition to the need for major reform of mental health services for women offenders and the wider community, the literature provides evidence of the failure of alternatives to custody to divert offenders with mental health problems, personality disorders and learning disabilities from prison.

A recent report on mental health and community sentences in England and Wales by Khanom et al (2009) found that more than two-fifths of people on community sentences have mental health problems, but provision for mental health treatment is rarely used by the courts. There are also concerns about the high numbers of offenders with mental health problems and learning disabilities continuing to enter the criminal justice system and custody, despite the introduction of diversionary measures. These concerns led to the recently published independent inquiry by Lord Bradley (Bradley 2009). With a particular aim of providing Lord Bradley with further data and insights, Edgar and Rickford (2009) reported on the extent of the mental health needs of women in prison and continuing concerns about this issue, almost two years on from the Corston Report (2007).

Drawing on information and evidence provided by Independent Monitoring Boards of 57 prisons, Edgar and Rickford found that many people who should have been diverted into mental health or social care from police stations or courts are continuing to enter prisons and on their release have no support in the community. They reinforce the widely recognised view that prisons are ill equipped to meet complex needs and the need for effective and appropriate diversionary policies and practices. This is further emphasised by No One Knows⁴ research which recognises the need for people with learning disabilities to be identified, supported and diverted more appropriately into healthcare settings. It highlights the need for further action to be taken by criminal justice agencies with diversionary powers, and in relation to health and social care provision.

4. No One Knows is a UK-wide programme, led by the Prison Reform Trust (PRT). It aims to effect change by exploring and publicising the experiences of people with learning difficulties and learning disabilities who come into contact with the criminal justice system (Loucks and Talbot 2008: 1). Its broad definition of learning difficulties and learning disabilities includes people within the criminal justice system who find some activities that involve thinking and understanding difficult and who need additional help and support in their everyday living.

The No One Knows programme reveals the vast hidden problem of high numbers of men, women and children with learning difficulties and learning disabilities within the criminal justice system, with 20 to 30 percent of offenders having 'learning difficulties or learning disabilities that interfere with their ability to cope within the criminal justice system' (Loucks 2007: 1). The significance of addressing the needs of women with learning disabilities and learning difficulties in the criminal justice system is highlighted by Talbot (2008). She compares the accounts of people with and without these needs in relation to their lives before they were arrested and their experiences of police stations, courts and prisons. Her findings highlight the need for support during police interviews, the use of simpler language in court and additional support in prisons to facilitate access to provision including family visits, the gym and offending behaviour programmes.

Reporting on the No One Knows programme in Northern Ireland, Loucks and Talbot (2007: 2) comment on the very limited research on prevalence of learning disabilities amongst prisoners in Northern Ireland, but draw attention to research in the Republic of Ireland (Murphy et al 2000) which identified 29% of prisoners as having an intelligence quotient (IQ) of less than 70. They go on to estimate that on any given day about 7 percent of prisoners will have IQs in the range of formal learning disability, while an additional 20 to 25 percent will require some additional support. It could be assumed, based on Talbot's (2007) report in England and Wales, that women prisoners in Northern Ireland are more likely than men to be identified as having learning difficulties or learning disabilities prior to their arrival in prison. Loucks and Talbot do not provide specific information on women prisoners' learning difficulties and disabilities in Northern Ireland, as due to the small number of responses, they were limited to providing a general overview of provision. This overview highlights the need for changes in policy and practice to address concerns about provision, with their summary of 17 main findings (pp. 21-22) indicating that concerns (15) far outweigh evidence of good practice (2).

Notwithstanding calls to divert women from prison, Edgar and Rickford (2009) advocate prisons linking up with relevant voluntary sector agencies which offer expertise in mental health and in-prison projects which demonstrated that prisoners could be a valuable resource for other prisoners, in a wide range of areas of need. In relation to programmes linked to mental health, they point to the Listeners scheme which provides Listeners, peers trained by Samaritans to support someone in distress. Other areas where prisoners support other prisoners include mentors, for example providing support in reading skills, 'Insiders' providing peer support for new prisoners and race representatives providing advice about responding to racist incidents (Edgar and Rickford 2009).

This approach is similar to that advocated by Pollack (2004) which involves peer support services for women with mental health issues in prison. As an

alternative to programmes in prison designed to raise women's sense of self-worth, which do not alter the factors in prison that perpetuate women's negative self-images, Pollack argues that relationships and opportunities that enhance self-worth must be created. She provides 'exemplary models of peer support services' in women's prisons in Canada and the USA (p. 702). In one programme women receive a 12-week training course and as peer counsellors were available to provide crisis intervention, general support and advocacy for other prisoners. The programme was found to have decreased feelings of isolation and increased feelings of self-worth and autonomy. A further peer support programme, identified by Pollack, is a psycho-educational counselling group for incarcerated mothers. The therapeutic group is co-facilitated by prisoners and enables women to meet five days a week for three months to explore the influence of their own pasts on their relationships with their children. It was found to have 'greatly enhanced a sense of self-reliance and the autonomy of prisoner participants' (p. 703). Pollack (2004: 703) argues that peer support programmes though diverse in structure, content and purpose, are particularly important for women offenders as they 'reflect empowerment principles and an understanding of the impact of trauma, social inequalities, and prison power dynamics'.

Recognising that 'custody can exacerbate mental ill health, heighten vulnerability and increase the risk of self-harm and suicide', the Bradley Report (2009: 7) puts forward a range of recommendations for the diversion of people with mental health problems or learning disabilities away from prison. These include improved assessment at the earliest possible opportunity, provision of services, access to services, continuity of care, staff training and inter- and intra- agency work. Overall, 82 recommendations were made in relation to early intervention, arrest and prosecution, the court process, prison, community sentences and resettlement, and leadership and governance arrangements. A Health and Criminal Justice National Programme Board made up of departments covering criminal justice, health and social care is to oversee the implementation of the 83 recommendations put forward. In addition a National Advisory Board is to facilitate wider involvement of relevant organisations. The need for a consistent, co-ordinated approach is highlighted by the unprecedented number of people with mental health problems in prison, despite Government support for the policy of diversion for them since 1990 (Bradley 2009).

1.2.4 Substance Misuse

Again, there is limited evidence on women offenders' drug and alcohol misuse in Northern Ireland, however as noted above, Byrne and Trew (2005; 2008) found that women offenders' alcohol use as well as their offending was linked to negative personal relationships, financial difficulties, responsibilities of motherhood, and emotional and mental health problems. Bailie (2006)

notes that abuse of alcohol and drugs and addictions to prescription drugs were identified in PSRs prepared on women in Northern Ireland. Statistics on this are not reported by Bailie, however, NIPS (2005; Roberson and Radford 2006) notes that the majority of its sample of women prisoners (72%) had used drugs and/or alcohol, with most believing their use was excessive. Also, the NIO (2009) cites a 2008 snap shot view of women prisoners which showed that half had a history of alcohol misuse and 40% misused drugs.

Commenting on studies conducted in Australia and in Scotland, McIvor (2007) draws attention to findings that women are less likely than men to engage in offending prior to their first use of drugs. Also, compared to men, their drug use tends to be more closely associated with acquisitive offences (Gelsthorpe et al 2007). McIvor notes that many of the women in the Scottish study reported having begun offending to finance their illicit drug use. They also considered desistance to be unlikely unless their drug problems were addressed. Indeed, Clark and Howden-Windell (2000) found that drug abuse is associated with recidivism.

It is worth reiterating that Gelsthorpe et al (2007) suggest that women offenders' high rates of substance misuse may be explained, to some degree, by their experiences of physical and sexual victimisation. Offering support to this view, Wincup (2000) found that turning to substance abuse is one of the strategies women defendants in her study employed as 'a way of coping' with the pressures they experience. Her findings show 'how responding to difficulties through turning to substance abuse may result in problems such as poor health, vulnerability to violence and extreme poverty' (p. 13). Due to this, she notes that women must be supported in addressing substance abuse as well as dealing with the harmful effects, and recognises that shared working with specialist agencies is an important dimension of the support required. Spencer and Corkhill (2004) also make a link between substance misuse, victimisation and provision. They argue that a strong reason for women-only provision for substance misusers is 'that many women with substance misuse problems may have been physically, sexually, or emotionally abused' (para. 6.6).

Cultural differences in the misuse of drugs and alcohol between women in Northern Ireland and other jurisdictions, reinforce the need for further research into women offenders' drug and alcohol addictions to inform the development of appropriate and effective provision. Furthermore, there appears to be a lack of interventions to address women's addiction needs and a lack of evidence with regard to the effectiveness of interventions. Lart et al (2008: 16) were unable to draw 'any firm conclusions about the effects of drug treatment interventions for female offenders' from Holloway et al's (2005) meta-analysis of drug treatment. Of the 28 studies included, only 10 provided data on outcomes for women. Lart et al also identified primary studies of 5 in-prison drug treatment programmes. All were based in the USA

or Canada, and none were specifically designed for women. Whilst they recognise the limitations of the studies, Lart et al draw upon evidence on the 5 programmes to suggest that programmes based on cognitive behavioural approaches, especially when followed by residential treatment post-release, were more promising than those based on therapeutic community models.

The wider literature, as indicated above, provides support for responses which take account of women offenders' complex needs. In addition to the inter-related issues mentioned above, Spencer and Corkhill (2004: 2.1) emphasise 'the key role that housing and support can play in helping people to tackle their substance misuse'.

1.2.5 Accommodation Problems

Accommodation problems for women who offend are particularly recognised in relation to women prisoners' resettlement needs, and identified by HMIP (2005) as a primary concern for women prisoners. In relation to the Republic of Ireland, the extent of homelessness experienced by women involved in the criminal justice system appears to be significantly greater than the ten percent reported in Gelsthorpe et al's (2007) review. Seymour and Costello (2005: 51) found that fifty percent of their sample of women prisoners had been previously homeless and one-third was homeless on committal. Probation and Welfare Officers in their study identified two distinct categories of female homeless prisoners, namely older women with alcohol and drug problems who are repetitive petty offenders sentenced for such crimes as breach of peace, loitering and shoplifting and younger, female drug addicts. Their findings suggest that the risk of ending up in the criminal justice system is greater for homeless women than their non-homeless counterparts.⁵ This, as they acknowledge, will have 'particular implications for service delivery in terms of developing and responding to the needs of homeless women' (p. 37).

In comparison to men, research in West Yorkshire (see Spencer and Corkhill 2004) found that women were more likely to have been sleeping rough or staying in temporary accommodation before going to prison. Spencer and Corkhill argue that 'help with finding and keeping accommodation was therefore more crucial for women' (para. 4.1). They note the number of inter-related difficulties which women may experience. These include a combination of links between homelessness, substance misuse, domestic violence and access to services. In relation to the needs of women post-release from prison, they note the link between difficulties in accessing permanent housing and being reunited with their children. The recommendations for future provision of housing and support which Spencer and Corkhill, amongst others, put forward include specialist schemes for women.

5. Females represented just over one-fifth of referrals to the Probation and Welfare Service, but 43% of the homeless sample were women (Seymour and Costello 2005: 37).

Despite the implications for service delivery posed by the accommodation needs of women who offend, there is a lack of research evidence in Northern Ireland on the scale and type of need for support. NIPS (2005; Roberson and Radford 2006), however, provides evidence of women prisoners' experiences of housing problems and post-release accommodation. It found that a significant percentage of women prisoners had experienced housing problems, with 44% and 32% having experience of living in a hostel and in care respectively, and 36% not knowing where they would live post-release. With regards to the type of need for support it recognises that experiences of homelessness are 'often complicated by mental health issues' (Roberson and Radford 2006: 113).

The NIO (2009) points to community provision including PBNi approved hostels, and the provision of advice and support services within prisons by the Housing Rights Service. It also notes that the Service gathers evidence 'to identify barriers and bring about improvements in housing policy, practice and provision for those entering and leaving custody' (para. 6.7). In view of Seymour and Costello's findings, noted above, further research into the accommodation needs of women entering the criminal justice system, in addition to those entering prison, may be useful.

In relation to hostel provision, the literature indicates that consideration needs to be given to the provision of single-sex residential units for women which are close to their family and friends, adopt a holistic approach to women's needs and share work with specialist agencies (see for example, Wincup 2000). However, as Wincup (2000) notes, the provision of hostels and the level of service they provide tend to be determined by a lack of resources and the low occupancy rates for women.

1.3 A Gender-Specific Approach for Women Offenders

Based on the recognition of the multiple, inter-related, complex needs of women who offend and the different pathways into and out of crime for women compared with men, it is widely recognised that a gender-specific approach to working with women is required. A community-based, multi-agency, holistic approach to target women's criminogenic and non-criminogenic needs has been proposed. To facilitate such an approach, assessment and interventions which move beyond the current focus on the risk-needs model is advocated.

Key components identified in the literature which are required in a gender-specific approach to working with women who offend, reflect the five guiding principles put forward in the Canadian report 'Creating Choices' produced in 1990 by the Task Force on Federally Sentenced Women. Described by Pedlar et al (2008: 7) as 'the touchstone in relation to "best practices" for women' who come into conflict with the law, the guiding principles are:

- Empowerment: described as a process through which women gain insight into their situation, identify their strengths, and are supported and challenged to take positive action to gain control of their lives.
- Meaningful and responsible choices: based on the view that with appropriate information, resources, and understanding of the implications of their choices, women can make meaningful and responsible choices.
- Respect and dignity: seen to accrue from a reciprocal relationship and are most obvious when a person gains self-respect and is able to respond to others.
- Supportive environment: seen as a prerequisite to accessible services, which, in turn, enable the generation of meaningful and responsible choices.
- Shared responsibility: requires that all formal and informal services, that is government, corrections, community, public and private organizations have some part to play in supporting women's efforts to participate as contributing members of society.

Common themes for effective and appropriate provision for women have been identified in reviews by Clarke (2004) and Gelsthorpe et al (2007). These, as summarised by Patel and Stanley (2008: 13), include:

- Supportive 'women only' provision that accepts offenders and non-offenders
- A holistic approach to deal with factors associated with women's offending, both practical and cognitive
- Provision that facilitates links with other agencies
- Practical help with issues such as accommodation, childcare and transport
- A service user perspective

A key theme in the literature is the need to remove women from custody where they tend to be incarcerated for relatively non-serious offending and their problems are exacerbated. As discussed throughout this report, there is a recognised need for increased diversion of women from prosecution and custody. This is coupled with the need for increased community-based provision which reflects what women who offend find helpful, and has the potential to link women to resources, training, counselling and other supports. It also highlights the significance of prosecution and court decisions in any attempt to change the response to women offenders.

The most consistent and least contested theme in the literature, discussed above, is the need for further extensive research to inform responses to women who offend. Of particular note in the context of this chapter on reducing women's offending there is, as indicated above, a lack of evidence relating to the effectiveness of cognitive behavioural approaches which tend to dominate the risk-needs focus of interventions for offenders. Evidence that does exist is found to be inconsistent. For example, Francis et al (2009) in their review of the international research evidence, found that 'cognitive behavioural therapy programmes have had particularly mixed results in regard to work with female participants'. Drawing upon Cann's (2006) examination of Enhanced Thinking Skills (ETS) and the Reasoning and Rehabilitation (RandR) on a sample of 180 women, they note that 'no statistically significant improvement in either reconviction rates matched against a female comparison group' was found (para. 3.1.1.2). Moreover, they note that 'in the RandR sample, the comparison group fared better than those who undertook the treatment' (para. 3.1.1.2). The suggested reasons for this outcome are in line with views noted above that programmes designed for men are inappropriate for women given their different pathways into and out of crime. In addition, Francis et al point out that the majority of female participants in such programmes have been low risk, although 'research suggests that medium- to higher-risk offenders benefit most' from them (para. 3.1.1.2).

Lart et al's (2008) assessment of interventions aimed at reducing re-offending in female offenders revealed three meta-analysis and 16 primary studies which examined the impact on reconviction of interventions with female offenders. From these they suggest:

- Targeting anti-social attitudes and anger, self-control, family processes (eg. affection and supervision), and anti-social associates was associated with reductions in women's reoffending
- Targeting general educational needs was associated with reductions in women's reoffending
- The evidence on in-prison drug treatment for women is mixed, but overall programmes based on cognitive behavioural approaches were more promising than those based on therapeutic community models
- Residential treatment after prison enhanced effects of prison-based treatment
- There was some evidence that discharge or transitional planning and continuity of input from prison to community reduced reconviction rates among high risk women

They caution, however, about the transferability of these findings given that the literature was dominated by studies carried out in the USA and Canada, and conclude that:

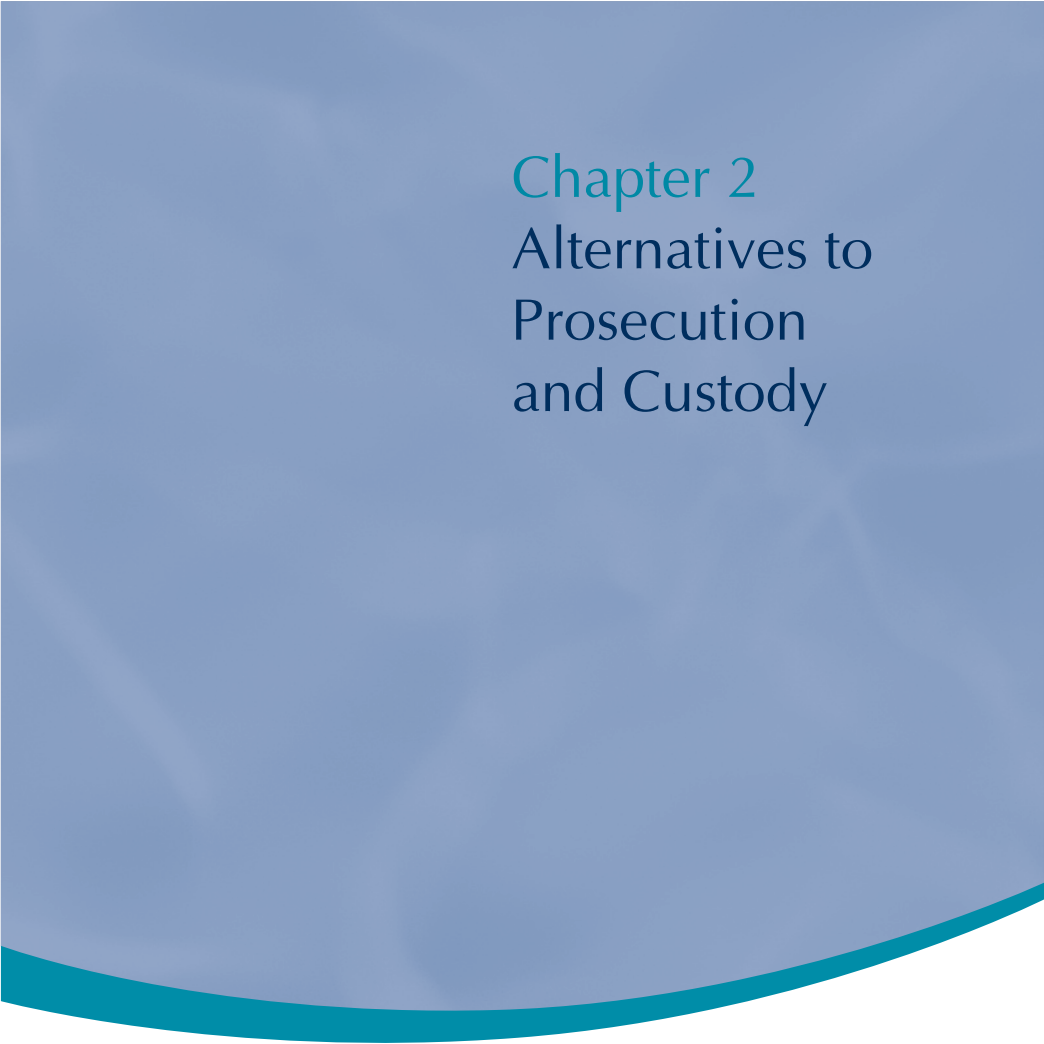
“the existing evidence tells us surprisingly little about what works with female offenders ... there are gaps in the evidence regarding some of the most frequently cited issues like victimisation and self-esteem ... very little [is] known about use of, and effectiveness of, community based services ... This lack of evidence exists both because research has not been done on those areas, and because what research has been done is not of sufficient quality to yield robust data for policy”(pii).

Summary and Conclusions

It is widely recognised that women who offend have multiple, complex and inter-related needs. These include experiences of severe social exclusion, histories of unmet needs in relation to education, employment, emotional, mental and physical health, housing and income, and experiences of childhood and adult abuse. An understanding of these needs is required to develop appropriate and effective responses to women who offend. However, there is a lack of research into the needs of women who offend in Northern Ireland.

Women’s pathways into and out of offending are recognised as being different to those for men and generic interventions designed to address male criminogenic needs are deemed inappropriate for women offenders. Consequently, the importance of reconceptualising women’s needs to take account of their life experiences and acknowledge the wider socio-economic context, rather than focusing on the risk-needs model is emphasised.

A key theme identified throughout the literature is the need to divert women from prosecution and custody, particularly where it is not justified by women’s offending behaviour and for women with mental health issues, and learning difficulties and disabilities. In addition, best practice in work with women who offend is deemed to be achieved in approaches underpinned by the principles of empowerment, meaningful and responsible choices, respect and dignity, a supportive environment and shared responsibility. To this end, a community-based, multi-agency, holistic approach to target women’s criminogenic and non-criminogenic needs has been proposed. Prior to reviewing the provision of women’s centres which reflect this approach, the following 2 chapters examine key issues related to the diversion of women from prosecution and custody.



Chapter 2

Alternatives to Prosecution and Custody

Chapter 2 Alternatives to Prosecution and Custody

In relation to developing alternatives to prosecution the NIO (2009) recognises that diversion from the courts may be a more effective and proportionate option than prosecution for relatively minor offences. It also takes account of the 'significant long term impact' which a criminal record for a minor offence can have on employment prospects and 'on the ability of individuals to pass through a short-lived phase of offending' (para. 5.2). Further account is taken of a number of gender-specific issues, namely 'the potentially disproportionate impact on the family, where women are fined for minor offences, and the prevalence of mental health issues amongst female offenders' (para. 5.3). As such, it recognises that any consideration of diversionary policies must take account of the issues that affect most women who offend. To this end, as indicated by the literature reviewed in Chapter 1, it is important that policy proposals relating to women who offend should not be separated from the wider socio-economic and cultural context within which they live.

The potential options for alternatives to prosecution being considered by the NIO (2008) include the increased use of fines and conditional cautions which may include rehabilitative, reparative, restorative or restrictive conditions. The provision of such measures in Britain and the current diversionary disposals available in Northern Ireland are discussed below within the context of the literature relating to women who offend and the issues which affect them.

Prior to this discussion it would appear worthy of note that caution must be exercised in the development and implementation of alternatives to prosecution. Whilst diversionary practices may be viewed as reflecting the belief in the effectiveness of a less formal method than prosecution in terms of cost and reoffending, a more enlightened approach and a means of diversion from custody, a more cynical view links the concept of 'net-widening' to diversionary practices. As McMahon (1992: 35) puts it:

"As the "hard end" gets harder, and as the "soft end" gets wider, "bifurcation" is said to be occurring. Meanwhile, the processing of deviants "accelerates". In light of these developments, the "holy trinity" of reform rhetoric about the virtues of alternatives in terms of costs, effectiveness, and humaneness, is revealed as mythical".

This perspective depicts the scenario, identified by Cohen (1985: 44), whereby alternatives became add-ons and community control 'supplemented rather than replaced traditional methods'. Ashworth and Zedner (2008) warn against new diversionary measures being applied to people who would not have been prosecuted prior to their introduction to ensure the expansion of measures is not simply 'net-widening', in terms of supplementing rather than replacing prosecution.

Attention is also drawn to the fact that alongside diversionary practices, the use of custody for women has increased in Britain. This has occurred in Scotland where, despite a focus on the diversion of women from prosecution, the imprisonment of women has increased (McIvor 2007). McIvor (2007) suggests that this increase cannot be attributed to an increase in the severity of offending by women, but rather reflects more punitive responses by the courts to women's offending. Similarly, in relation to England and Wales, Gelsthorpe et al (2007) argue that the increase in the imprisonment of women in the absence of an increase in the severity of their offending reflects a change in sentencers' perceptions of the seriousness of offences by women. The alternative hypothesis presented by Patel and Stanley (2008: 12) is that 'the rise in imprisonment may have been due partly to a perception on the part of sentencers of a lack of appropriate community sentences'. This reinforces the need for adequate and appropriate provision in the community to facilitate diversion from custody, as well as from prosecution.

As documented in Chapter 1, despite the recognition of particular concerns about the need to divert women with mental health issues and learning difficulties and disabilities from both prosecution and custody, many are continuing to enter prisons and on their release have no support in the community (Edgar and Rickford 2009). In relation to Northern Ireland, Bailie (2006: 101) reports that experienced probation staff support the need for diversion from prosecution 'for those for whom it is appropriate'. Commenting on the extent of references to women's mental health in pre-sentence reports (contained in 36.5% of 143 reports), Bailie states 'closer examination of some cases could question the appropriateness of prosecution in such circumstances' (p. 106). She goes on to advocate the diversion of 'women suffering from mental health issues' from the formal criminal justice system (p. 107). Also, given that '40% of the sample were first time offenders', she argues that 'diversion linked to restorative practices should be explored for this group' (p. 107).

The discussion below is primarily concerned with the provision of alternatives to prosecution and alternatives to imprisonment for fine default and remands to custody, whilst alternatives to custodial sentences are discussed in Chapter 3.

2.1 Warnings and Adult Cautions

In Northern Ireland, the diversionary measures available to the police are to give informal advice and warning for minor infringements, whilst additional diversionary measures, informed warnings and adult cautions, are determined by the Public Prosecution Service. An informed warning is recorded on a person's criminal record for a period of a year. An adult caution, for more serious offending than that warranting an informed warning, is recorded on a criminal record for a period of 5 years.⁶

6. The periods of 1 year and 5 years may be extended if offending occurs within the period provided for.

There is a lack of evidence of any research conducted in Northern Ireland into the use of informed warnings and adult cautions for women who offend. Further evidence is required in relation to the use of these measures to assess their application and impact, including the potential impact of having a criminal record on employment prospects. This would lend itself to an examination of the viability of their increased use for women (and in general). Further exploration is required to assess the argument that, given the evidence of the low level of offending among women, the Public Prosecution Service should make more use of these diversionary measures, albeit in an amended form which takes account of the potential impact of criminal records and reflects the absence of a conviction. Indeed, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO 2008) has indicated the need for a review of the legislative provision of the 5 year period for an adult caution to be spent. It argues that it is 'unnecessarily punitive', rather than providing 'reintegration support to those individuals who are working to change their behaviours and demonstrate positive contributions to employment or other such service' (para. 3.3).

2.2 Fines

Any policy relating to the issuing of fines by police, prosecutorial fines, and the incorporation of punitive fines and compensation in conditional cautions, cannot be divorced from the impact, discussed in Chapter 1, of financial problems for women who offend. Indeed, the Northern Ireland Human Rights Commission (2008) and NIACRO (2008) have documented, in their responses to the NIO consultation on alternatives to prosecution, concerns about the negative impact that recourse to financial penalties may have on children and low-income families.

The literature review, as demonstrated in Chapter 1, reveals the significant link between poverty and women who offend, the extent of poverty in Northern Ireland and the multiple problems associated with its effects, including offending behaviour, and mental and physical health. Proposals that focus on financial measures to secure diversion from prosecution have the potential to place an added strain on financial difficulties experienced by most accused women and fail to take account of their 'restricted resources and limited choices' (Byrne and Trew 2008: 249). Financial difficulties may prevent most women from opting for measures such as prosecutorial fines,⁷ which entail diverting the accused from prosecution where s/he agrees to pay money. Further research would appear necessary to determine the feasibility of such measures for women in Northern Ireland. Whilst Duff (1993; 1994) provides evidence on the positive aspects of the use of prosecutor fines in terms of the number of accused diverted from prosecution, without leading to 'an overall increase in state intervention into offenders' lives' (1993: 499), the analyses do not distinguish between accused in terms of gender.

7. For example the Scottish Prosecutor Fine or the German conditional dismissal (see Mair 2004; Seymour 2006).

A focus on monetary measures as a means of diversion from prosecution and as a sentence⁸ raises concerns in relation to the impact of non-payment of fines on women accused or convicted of offending. This is evidenced by the extent of non-payment of fines and the subsequent recourse to imprisonment. At March 2005, unpaid fines amounted to £6.42 million (NIO 2006) and in 2007, 142 females were committed to custody for fine default (NIO 2009). In view of this and the financial difficulties experienced by most accused women, it could be assumed that the introduction of monetary measures for diversionary purposes would result in a pattern of non-payment and an escalation towards punishment.

There is widespread belief that imprisonment for fine default is wholly inappropriate and various jurisdictions have addressed this issue. In Ontario, for example, this practice has ceased; in Germany, community service is provided for those unable or unwilling to pay a fine; and in Scotland, Supervised Attendance Orders provide an alternative for fine default (Seymour 2006). Also, in Northern Ireland, Supervised Activity Orders (SAO) for fine default have been legislated for under the Criminal Justice (Northern Ireland) Order 2008.

Levy and McIvor's (2001) evaluation of Supervised Attendance Orders (SAO) in Scotland indicates that it is a positive alternative to imprisonment for fine default in terms of its effectiveness relating to cost, reconviction rates, completion rates and benefits to offenders, including gaining skills, confidence and insight. It also reveals a number of areas for consideration in the implementation of alternatives for women who default on fine payments. Gender-specific issues discussed in Chapter 1 were identified in their sample, whereby women were more likely than men to have broken relationships, dependent children living with them and health problems, in particular, mental health problems.

The SAO schemes in Levy and McIvor's evaluation were 'alert to the practical implications' of accommodating women, and were able to assist through the provision of financial support for childcare and taking account of childcare and other commitments in the selection of activities (para. 9.8). However, none of the schemes had separate provision for women. Despite exercising flexibility to accommodate women's circumstances within existing provision it was recognised that more could be done to provide activities which were more relevant to women's specific needs. Recognising the resource implications, Levy and McIvor argue that the needs of women should be considered further, taking account of differences between men and women 'in terms of their needs, the ways in which they interact and the processes through which they learn and grow' (para. 9.8). In line with the literature reviewed in Chapter 1, they question the appropriateness and effectiveness of provision developed primarily for male offenders and recognise that:

8. As cited by the NIO (2009), the fine is the most common disposal used by the courts. In 2006, 66% of female offenders were given a fine.

“ women who offend often experience a profound sense of shame and isolation which can be gradually overcome if they receive support from other women: mixed groups, by contrast, can be perceived as threatening and hostile environments, particularly for women who have a history of abuse” (para. 9.8).

Their point that ‘it has long been recognised that many people default on their fine payments not because they are unwilling to pay, but because they have insufficient income to meet the instalments imposed’ (para. 1.5), is of particular importance in relation to the development of monetary measures and approaches adopted to address non-payment of fines. In view of the financial problems experienced by most women who offend, consideration should be given to developing policies which accommodate those who are unable to, rather than unwilling to, honour monetary measures. This would suggest the need to refocus attention away from how to address non-payment to the increased use of non-monetary interventions and the cessation of the use of monetary measures for those who are unable to pay.

Care must be taken however to avoid the potential of ‘uptariffing’ in the use of diversionary and sentencing practices which take account of women’s financial difficulties. Gelsthorpe (2007: 45) identifies the potential consequence in relation to sentencing, warning that ‘women may be escalated up the sentencing tariff through the imposition of a community sentence ... in lieu of a fine’. Uptariffing has been identified by Morgan (2003, cited in Patel and Stanley 2008: 9) whereby ‘sentences have become substantially more severe, community penalties displacing financial penalties (and to a lesser extent discharges) and immediate custody displacing community penalties and suspended sentences’. In relation to community sentences for all offences for women in England and Wales between 1996 and 2006, Patel and Stanley (2008: 17) found that their increased use, including for summary offences, has been accompanied by ‘a significant decline in the fine’ and suggest that there has been ‘an uptariffing through courts’ greater readiness to impose community sentences’.

2.3 Conditional Cautions

The recently introduced conditional cautions in England and Wales provide an alternative to prosecution. The conditions provided for are rehabilitative, reparative and punitive. Rehabilitative conditions include participation in interventions related to addictions and personal problems, such as drug or alcohol misuse programmes and gambling or debt management courses. Reparative conditions, where acceptable to the victim, include an apology, physical repair to, or compensation for, damage caused through unpaid work or a monetary payment to the victim or, for example, a charity. Punitive conditions include a financial penalty, up to 20 hours unpaid work and up to 20 hours attendance at a specified place. Mair (2004: 153) is critical of the

inclusion of these punitive disposals as they 'not only encourage further the idea that more punitive disposals are the answer to offending, but would also seem to risk overlap with community penalties'.

Conditional cautions specifically for women are being piloted at Together Women centres in England. As discussed in more detail in Chapter 4, the work of the centres is guided by evidence of best practices for working with women. The centres provide a safe environment for women and adopt a holistic approach to address their needs. The range of courses and support services targeted on women's specific needs include, inter alia, help with accessing or keeping accommodation, skills training, debt counselling and financial awareness training; parenting courses and personal counselling.

The pilot scheme, launched in August 2008, provides for women who accept a conditional caution for a low level crime to be diverted from prosecution on the condition that they attend a Together Women centre for an assessment of their needs and reasons for their offending. The number of required visits to the centre, one or more, is dependent upon the time needed to complete the assessment. The condition does not require women to continue to attend the centre, but referral to a centre at an early stage in their offending is seen to give women the opportunity to learn what services the centre has to offer and to avail of these on a voluntary basis.

It should be noted that this condition may be combined with other requirements including monetary measures. As such the rehabilitative aim intended by the requirement to attend a Together Women centre may be compromised by reparative conditions if they include compensation and by punitive financial penalties, given the potential strain on women's financial difficulties.

Vera Baird, the Solicitor General (2008) announced that evaluations of the pilots are to be carried out to provide information on which women are given the conditional caution, whether they comply with it, whether they follow it up and what impact it has on their lives and propensity to re-offend. This should help to begin to fill the gap in research into the use of conditional cautions for women. Indeed, research on the provision of conditional cautions in Britain, in general, is limited.

Ashworth and Zedner (2008) suggest that conditional cautions have the potential to combine public interest with the offenders' interests, as diversion tends to be followed by fewer convictions than court sentences. However, they note that a clear pattern in their use has yet to appear. In an examination of the conditional cautioning scheme in England, Blakeborough and Pierpoint (2007) found that the majority of offenders considered for a conditional caution were male (83%). They do not elaborate on this point and, whilst it may be assumed that it reflects the ratio of men to women cases considered, without further research it is not possible to ascertain the decision-making

processes which determine the application of conditional cautions for women.

The need for research is further highlighted by the fact that compensation appears to be the preferred condition (Blakeborough and Pierpoint 2007) and, as argued above in relation to fines, would not seem to be the most appropriate response for the majority of women offenders identified by the literature as experiencing poverty. Also, Blakeborough and Pierpoint indicate that the effective implementation of such a scheme requires greater understanding about the types of cases that should be targeted by a conditional caution and the need for additional resources. This is of particular relevance within the Northern Ireland context where there is an extensive gap in research into women who offend, including their welfare and desistance needs. Again, it reinforces the need to source adequate and appropriate services which can facilitate conditional cautions for women in line with best practice. This is of further significance if a reliance on monetary conditions is to be avoided.

Preston's Nightsafe Conditional Caution Alcohol Awareness Scheme⁹ provides an example of how a brief-intervention session to address problematic alcohol consumption and its related health, social and criminal consequences has been incorporated into the criminal justice system (Russell and Duffy 2008). The scheme has been self-funded, with offenders paying a £30 fee. They attend a two hour alcohol awareness session facilitated by Preston Alcohol and Drug Services (ADS), are directed to further services it provides, and given alcohol unit calculators and self-help literature on alcohol and drugs. Russell and Duffy (2008) acknowledge that their evaluation of the effectiveness of the Alcohol Conditional Caution, primarily in terms of rehabilitation and re-offending rates should be treated with caution. This is due to the small sample size of 21 males and 2 females and absence of reoffending data from a control group subject to an alternative disposal such as a charge or a simple caution. The lack of female participants precludes significant evidence in relation to the appropriateness and effectiveness of this intervention for female offenders, however the findings reinforce the need to take account of the variation in clients in terms of drinking and offending profiles in the design of an appropriate group intervention.

Notwithstanding the limitations of their evaluation, Russell and Duffy describe their findings as 'encouraging' in terms of the reduction in the mean frequency of arrests per person, the decrease in Alcohol Use Disorders Identification Test (AUDIT) scores, and the improvements made in individual general health scores and self-reported negative behaviours or effects of alcohol (p. 32). In view of this they suggest that the disposal has 'great potential to reduce harm' to the individual and to the community (p. 33).

9. The scheme operates as a partnership between Central Lancashire PCT, Lancashire Constabulary, Criminal Justice Support (CJS), Alcohol and Drug Services (ADS) and the Crown Prosecution Service (CPS) in Preston.

However, they emphasise the need for further work and evaluation of pilot projects in Britain, such as the delivery of brief interventions by an alcohol and drugs specialist directly from the custody suite, to help 'redefine the best practice boundaries of future schemes' (p. 32). Their recommendations support the need, identified by Blakeborough and Pierpoint (2007), for greater understanding of who such interventions should target and additional resources, including funding.

2.4 The Scottish Diversion from Prosecution Scheme

Scottish alternatives to prosecution include fiscal fines, warning letters and diversion to social work and other service agencies. Female accused are among the key priority areas for diversion from prosecution in Scotland.¹⁰ Nevertheless, there is limited evidence on the use of diversion from prosecution for women and evaluations of criminal justice practices may omit the sex of the offender based on the assumption that the number of women would be too low to enable any meaningful separate analysis of their data (see for example, McIvor 2004).

The Diversion from Prosecution Scheme in Scotland enables procurators fiscal to divert accused persons from the court system to social work and other service agencies where it is considered not to be in the public interest to prosecute. Diversion schemes¹¹ include general social work schemes, substance misuse schemes and mediation and reparation schemes. In their evaluation of 18 pilot schemes, Barry and McIvor (2000) found that the most common objectives of social work diversion were addressing alcohol or drug misuse and offending, providing help in respect of family or relationship problems or helping the accused to access other services which provide help with issues relating, for example, to employment, education, mental health, benefits and welfare rights. The most common approach adopted by the general social work schemes was counselling. For substance misuse programmes it was educational and cognitive behavioural techniques. Intervention most often took the form of one-to-one work, particularly with female accused¹² and around a quarter of accused, were referred from general social work schemes to specialist agencies. In relation to mediation and reparation schemes, agreements negotiated most commonly involved financial reparation, non-harassment undertakings or an apology.

10. Other key priority areas include alcohol and drugs misusing accused, those with mental health or learning difficulties and children aged 16-17 years.

11. Social work diversion was thought to be appropriate for accused charged with minor offences whose alleged offending was related to underlying problems which they were motivated to address. Mediation and reparation was said to be appropriate in cases of minor offending involving an identifiable victim (Barry and McIvor 2000).

12. Relatively structured approaches were more often identified as being used in substance misuse schemes and in interventions undertaken with young men.

The extent to which diversion operated as a strict alternative to prosecution could not readily be determined by Barry and McIvor (2000), however they identified potential benefits of diversion schemes in comparison with prosecution. These included the potential for diversion schemes to address underlying problems, and for mediation and reparation to result in a more satisfactory resolution of the alleged offence.

They advocate that the costs of diversion and prosecution be set against the benefits to the accused and victims, whereby the welfare needs of individuals caught up in the criminal justice system and the need to make reparation for damage caused by offending are addressed, and if further offending is prevented, to society. Possible developments identified in their study included increased use of group work and the targeting of diversion upon particular groups, including women.

2.5 Bail and Electronic Monitoring

The need to divert women from custodial remand has been identified by the NIO (2009) and the incorporation of the use of electronic monitoring, available in Northern Ireland from April 2009, into the strategy for the management of women offenders is proposed. It is suggested that the use of electronic monitoring as a condition of bail has the potential to reduce the levels of women remanded to custody (para. 5.3).

Considering the bail/custody decision for women in Scotland, Brown et al (2004) found that women remanded to custody were often repeat or persistent minor offenders with, in many cases, a record of failing to appear at court and offending while on bail. Judges interviewed tended to express the view that they had no option but to remand 'these persistent offenders, even for minor crimes such as shoplifting' (para. 7.5). To facilitate diversion from custodial remand, interviewees strongly opposed any extension of money bail, but were enthusiastic about the proposed Time Out Centre in Glasgow (the 218 Centre opened in 2004) and the proposed use of electronic tagging as an extra bail condition. However, Barry et al's (2007) recent evaluation of the subsequent pilot scheme for electronic monitoring as a condition of bail (EM bail) in Scotland fails to support its effectiveness in reducing custodial remands.

Their study does not provide an insight into the use of electronic monitoring for women, with 5 female bailees subject to the condition at the time of the evaluation. However, given the proposed use of electronic monitoring as a condition of bail to reduce the levels of women remanded to custody in Northern Ireland, their findings appear worthy of note.

13. See discussion on 218 Centre in Chapter 4.

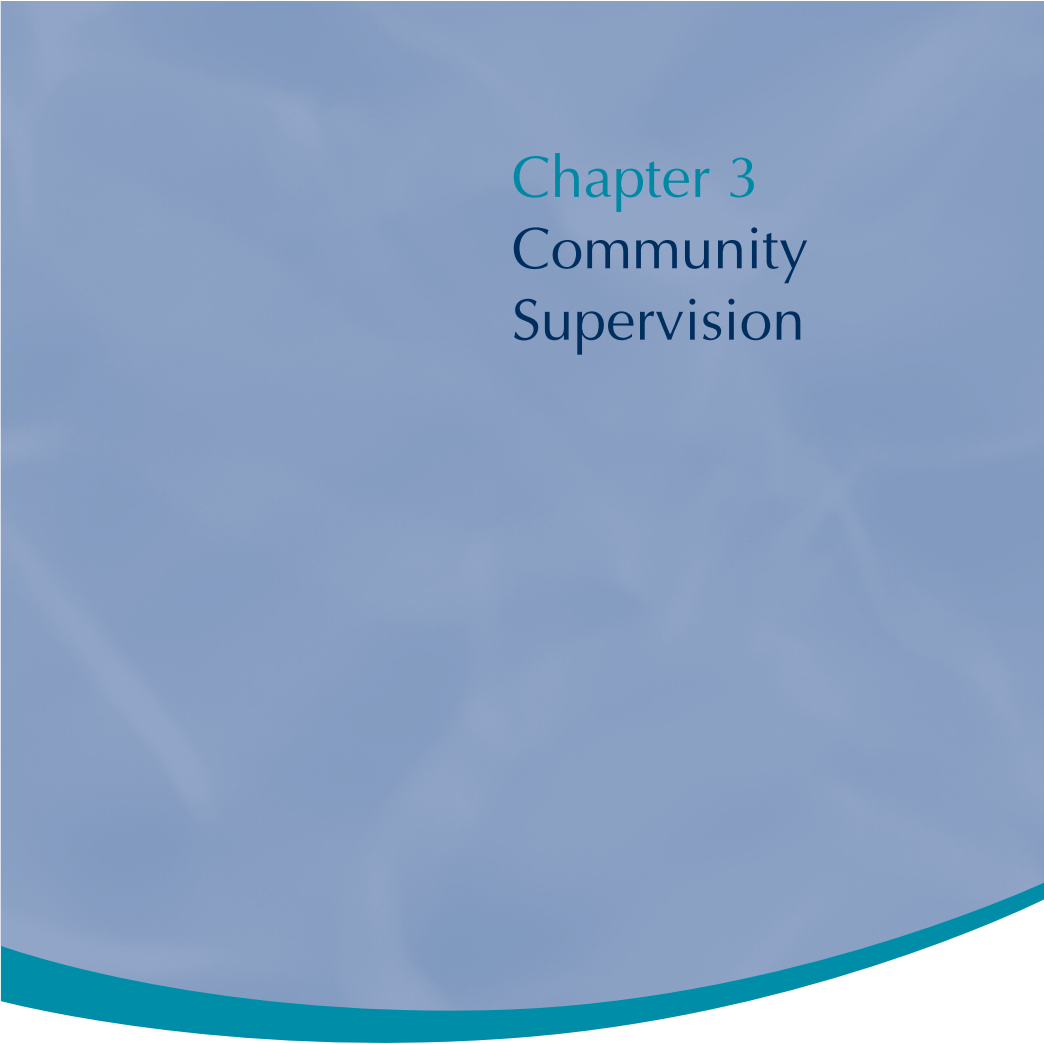
These suggest the pilots failed to fulfil their aims of reducing the custodial remand population as well as increasing perceptions of public safety ‘in any significant way’ (para. 7.26). Despite their view that EM Bail has value as a means of ‘imposing greater and more verifiable control over a defendant than ordinary bail’ and facilitating social commitments and family contacts disrupted by custodial remands, they recognise that it is not cost effective in attempting to fulfil its aims. As such, they find it difficult to make a case for its continuance or expansion. It should also be noted that concerns have been raised that electronic monitoring may be relatively more restrictive for women, because they are more likely to have unshared domestic responsibilities, including childcare responsibilities as single mothers (Lobley and Smith 2000).

Summary and Conclusions

Concerns have been identified that alternatives to prosecution and custody have the potential to supplement rather than replace traditional measures adopted to address women’s offending. As such, attempts to divert women from prosecution and custody may lead to net-widening and up-tariffing of sentences for women. To enhance the use of diversionary measures as strict alternatives to prosecution and custody, appropriate measures should be developed. Yet, there is a lack of research and information specific to Northern Ireland which may be drawn upon to inform developments. There is a need for further research relating to women who offend. In addition, research which examines the decision-making processes employed by the police, prosecution and courts may help inform how the use of diversion can be enhanced.

The measures proposed to divert women from prosecution reflect those adopted in Britain. This is despite limited evidence on their effectiveness and the tendency to focus on monetary measures. In view of financial difficulties faced by many women who offend, consideration needs to be given to avoiding monetary measures as a means of diverting women from prosecution. Further consideration also needs to be given to the development of appropriate alternatives to imprisonment for fine default and remands to custody.

Whilst this chapter has focused on the provision of alternatives to prosecution and has briefly discussed alternatives to imprisonment for fine default and remands to custody, community sentences as an alternative to custody are discussed in the following chapter.



Chapter 3

Community Supervision

Chapter 3 Community Supervision

Patel and Stanley (2008: 12) recognise that 'overall, there is a lack of research and official published data on the specific needs of women serving community sentences' and call for a more detailed analysis of their social predicament, including research based on women's accounts of their needs. The gap in research and policy analysis focusing on women and the use of community sentences is all the more surprising, as they acknowledge, given the 'many calls' for extending the use of community sentences for women (p. 9). It would also appear that little can be learned from the ROI. As Seymour (2006: 23) points out, in many respects it is 'stumbling in the dark' due to 'the dearth of research on sentencing, community sanctions and crime and justice related issues'. Similarly, there is an extensive gap in research in Northern Ireland, particularly in relation to women offenders.

Echoing Seymour's caution in relation to policy development in the ROI, it is vital that further research is conducted to assess the appropriateness of adopting British and international policies and practices within the Northern Irish context. This inevitably requires research into the current use of community sentences and provision of community supervision for women. Areas of study should include sentencing and probation practices, and women's experiences. As noted in Chapter 1, the need for such research has been recognised by the PBNI and a study of women under supervision and on whom the PBNI prepares reports was conducted (Bailie 2006). Bailie (2006: 99) notes, that 'a key stage in the development of a policy and strategy for implementation of services for women offenders was to build an evidence base'. Further exploration is required to build upon the study's findings and to inform developments in service provision for women offenders.

In Northern Ireland, community sentences provide for the supervision of offenders by the PBNI. They include Probation Orders with or without requirements, Community Service Orders and Combination Orders, which combine a probation order and a community service order. The PBNI also supervises women on licence from custody. In 2006, immediate custody and suspended sentences respectively constituted 3% and 7% of all sentences for females convicted in Northern Ireland, and community sentences constituted 9% (320) (NIO 2009). Following fines (66%), community sentences were the second most common disposal, along with a conditional discharge (318), to be used for female offenders. It would appear imperative that research should be conducted into prosecution and sentencing decisions which lead to such sentencing patterns for women. Such research would facilitate further exploration into the viability of women, particularly those given a conditional discharge, being diverted from prosecution in the first place. It would also lend itself to an examination of why more use is not made of community sentences as an alternative to custodial sentences.

In addition, given the non-serious nature of the majority of offences committed by women, the potential for the conditional discharge to be used more often in the place of community sentences could be examined.

The following discussion contains two parts. The first reviews the literature on the use of community sentences for women. The focus is on sentencing practices and key issues identified as having the potential to influence the decision to use community sentences for women. Following on from this, the provision of programmes and interventions for women serving their sentence in the community (i.e. under community supervision) are discussed.

3.1 The Use of Community Sentences

The need for further consideration of prosecution and sentencing practices in relation to women is reinforced by the relatively non-serious nature of the majority of offences committed by women. As reported by the NIO (2009), research indicates that most women under supervision in Northern Ireland present low risk of harm to the public and 80% fall into the low/medium category of likelihood of reoffending. Furthermore, in light of the statutory sentencing framework, these findings would appear to bring in to question sentencing decisions in relation to women offenders. Restrictions on imposing community sentences are provided for in article 8(1) of the Criminal Justice (Northern Ireland) Order 1996. In line with the general principle that court sentences should reflect the seriousness of the offence, a community sentence should not be imposed unless the court 'is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was serious enough to warrant such a sentence'.

Concerns relating to the appropriateness of sentencing decisions and the bail/custody decision in relation to women may be addressed by recommendations put forward in the literature. These include increased availability and co-ordination of, and funding for, women's services in the community and increased awareness on the part of the courts and prosecutors concerning women's experiences (see for example Brown et al 2004). The last may help facilitate the acknowledgement and accommodation of gender differences in sentencing advocated by Gelsthorpe (2007). As Patel and Stanley (2008: 18) note in their study of the use of community disposals for women in England and Wales, the extent of sentencers' awareness of, and ability to take account of, 'the interaction between gender, social circumstances, personal experience and offending' is unclear.

Patel and Stanley (2008) draw attention to research conducted by Mair et al (2008) in England and Wales, during which virtually all sentencers interviewed claimed that they used community sentences in the same way for men and women. As summarised by Patel and Stanley, the research suggests that women are likely to be sentenced 'primarily according to the seriousness

of their offence. Mitigating factors and social circumstances, such as employment, are more important than gender in determining sentence' (p. 18). However, Mair et al (2008: 25) note childcare responsibilities 'was one area where a woman might be treated differently from a man', although sentencers noted that this mitigating factor could also be taken into account when deciding on the imposition of a community sentence for a man with such responsibilities.

Concerns about sentencing practices in relation to women are clearly evident in the literature on community sentences in England and Wales. As noted in Chapter 2, Patel and Stanley's (2008: 17) study suggests that there has been an uptariffing of sentences for women due to the 'courts' greater readiness to impose community sentences'. This exacerbates concerns about the potential use of community sentences as a displacement of non-custodial sentences rather than as a real alternative to custody. Patel and Stanley explain if community sentences are used due to the added threat of custody should the women breach the order, rather than 'as a direct alternative to custody for women', more women could be imprisoned for breach of an order rather than for the original offence (p. 19). They also draw attention to Gelsthorpe's (2006) concerns about the potential of complex requirements as part of a community sentence to meet women's needs, to increase breach incidents and in the longer term custodial sentences.

Whilst Patel and Stanley's findings suggest that women are not overburdened by the number of requirements imposed on them, the high level of failure among women to comply with requirements identified in their study 'gives rise to some concern' (p. 34). As noted by Carlen and Tombs (2006: 351), research (Hough et al 2003; Tombs 2004) indicates that sentencers are more inclined to imprison women with 'a history of breaches for community sentences in cases that lay on the borderline between custodial and non-custodial options'. These findings highlight that in the development and imposition of sentencing options there is a need to consider the potential for sentences to provoke breaches. They also draw attention to Corston's (2007: 9) proposal for greater flexibility in enforcement to distinguish between 'serious breach ... and poor timekeeping'. Reflecting on this point and the views of probation officers and sentencers reported by Mair et al (2007; 2008) about the 'rigidity and lack of discretion in enforcing orders', Patel and Stanley argue for 'flexibility and discrimination in dealing with different kinds of failure to comply' (p. 35).

In view of the evidence presented, the strategy for the management of women offenders in Northern Ireland must accommodate further research relating to sentencers' use of community sentences, the imposition of appropriate sentences for women and flexibility in enforcement policies. In relation to the imposition of appropriate community sentences, there is extensive evidence for the need for adequate, appropriate and effective provision. As noted in Chapter 2, there is evidence to suggest that the perceived or real absence of

such provision affects sentencing decisions towards custody. The failure of the courts in England and Wales to reflect Corston's (2007) proposal for the creative use of requirements in the imposition of community sentences to respond to women's needs and circumstances, has been attributed by Patel and Stanley (2008), at least in part, to resource constraints. For example, despite the high levels of mental health problems experienced by women in contact with the criminal justice system, they note that the mental health treatment requirement 'has hardly been used at all' (p. 32) and argue that 'the availability of treatment facilities in the community is certain to be a factor' (p. 37). Notwithstanding the widely recognised need to divert women with mental health problems from the criminal justice system, this highlights the potential impact of the well documented lack of mental health provision in Northern Ireland on the provision and use of appropriate and effective community sentences for women. The negative consequences of this lack of provision in relation to the use of imprisonment for women and girls in Northern Ireland, as indicated in Chapter 2, have been identified by Scraton and Moore (2007).

In relation to the use of community sentences in Northern Ireland, Bailie (2006) lends support to the view that a lack of available and appropriate provision for women may have an impact on sentencing decisions. As she notes, 'the absence of specifically designed programmes and interventions for women ... may explain why approximately only 10% of [orders] on women include additional requirements' (p. 107). In comparison, 'the overall proportion for additional requirements in Northern Ireland is 30%' (p. 107). Whilst the need for women-centred interventions to support sentenced women in the community has been recognised (NIO 2009), caution must be taken in the imposition of requirements. As indicated above, consideration must be given to whether or not more or less requirements should be attached to women's sentences. This, again, shows the need for further research.

Effective and appropriate sentences for women which rely on provision in the community are, as evidenced in the literature, dependent upon the availability of, and access to, services. This is contingent upon adequate resources and co-ordinated provision (see for example, Gelsthorpe et al 2007). As recognised by Bailie (2006: 107), there is scope for enhancing women's access to services in Northern Ireland which address their needs in relation to mental and physical health, including addictions, and housing. Improvements in this area, according to the literature review, may help to facilitate the appropriate use of community sentences for women. However, the literature also raises concerns which clearly demonstrate the need to ensure that enhanced provision of services for women does not result in the inappropriate use of community sentences for women. Account must be taken of research (see for example, Carlen and Tombs 2006) which demonstrates that community sentences, in particular probation orders as opposed to community service orders, may be used inappropriately for women because they are deemed more deserving of 'help' than men.

The way in which pre-sentence reports prepared by probation officers contribute to the use of community sentences has also been recognised (Horn and Evans 2000; Gelsthorpe 2007). Bailie (2006) identified that PBNi pre-sentence reports need to provide more balanced explanations for women's offending which take equal account of significant personal needs as well as criminogenic needs. Achieving this balance may have the potential to enhance sentencers' awareness of, and ability to take account of, the interaction between gender, social circumstances, personal experience and offending when considering appropriate sentences for women. As noted above, the literature suggests that this may be required. Bailie also advocated refresher training in the assessment of women offenders and childcare provision to facilitate the assessment process. Consideration of these issues should take account of Gelsthorpe et al's (2007) concerns that pre-sentence reports prepared on women may receive less attention than those on men deemed to be a higher risk.

A further area for exploration in relation to pre-sentence reports is the extent to which alternative sentences are proposed as an appropriate outcome by the report author and the appropriateness of the sentences proposed. Bailie (2006) notes that community sentences were ruled out by the report author in a significant minority of cases (37%). Acknowledging that this may be expected given the proportion of first-time offenders in the sample (40%), reasons given included community sentences being deemed 'inappropriate or unnecessary', the identification of 'mental health issues where psychiatric intervention was preferred' and the lack of consent as well as 'a lack of positive response to previous supervision' (p. 104). Referring specifically to community service,¹⁴ Bailie notes that it was ruled out in about a quarter of cases (24%), and for the majority of these (57%) the reason was due to women's childcare responsibilities. This leads her to argue that 'in order to prevent lack of access to court disposals on the part of women the issue of childcare provision clearly needs to be addressed' (p. 104). She also draws attention to the fact that where the report author did not propose a particular sentence and ruled out a community sentence, 'a suspended sentence often resulted' (p. 104). Indeed, over a fifth of the sample (22%) received a suspended sentence. Immediate custodial sentences were imposed on 8% of the sample (p. 103).

The absence of evidence leaves a number of concerns relating to Bailie's findings open to question. Given that the majority of women are deemed to be relatively non-serious offenders and present a low/medium risk of reoffending it is questionable as to whether or not community sentences are being used appropriately. Further consideration could be given to the extent to which community sentences are proposed by pre-sentence report authors and imposed by the courts, and the reasons for their use.

14. As noted above, community sentences include Probation Orders with or without requirements, Community Service Orders and Combination Orders.

The reasons for a lack of positive response to previous supervision and the sentencing outcome for those who are deemed to demonstrate this, would also appear to be worthy of consideration.

3.2 Community Provision

The historical absence of interventions and programmes designed specifically for women in the UK and ROI means there is a lack of evidence relating to what works best with women. As discussed in Chapter 1, programmes are primarily designed to address offending by men and the majority of those involved in programmes are males. Evaluations consequently tend to focus on male subjects. Evaluations which do include females have raised concerns due to small sample size and the absence of comparison groups. As the gap in women-focused provision is beginning to be filled with the introduction of holistic, women's centres, the monitoring and evaluation of the implementation and operation of these centres is beginning to address the gap in evidence on women-focused interventions. Whilst this evidence is reviewed in Chapter 4 within the context of the provision of women's centres in Britain, literature relating to more general interventions and programmes in the community is reviewed here.

Firstly, it should be noted that despite the extent of the PBNI's work with women (and men) serving community sentences, and with those in custody and post-custody, there appears to be a distinct lack of information in the public domain detailing the exact requirements attached to orders and information relating to the programmes, interventions, placements and services utilised. Information drawn together from literature and website searches reveals that probation orders involve offenders meeting regularly with a probation officer to help change attitudes and behaviours. Additional requirements which may be imposed on orders, include attendance at a residential facility or day centre, treatment for drug or alcohol problems, or the completion of a programme to address sex offending, domestic violence, drink driving, car crime or anger management. Unpaid work of 40 to 240 hours entailed in community service orders is organised by probation officers and may include, among other activities, assisting at social clubs for older people, painting and decorating, joinery, gardening or working in a charity shop. The PBNI works with statutory, community and voluntary groups, and initiatives provided by community and voluntary groups in the areas of accommodation, training and employment, and recreation may be funded directly by PBNI.

An important task in relation to working with women and addressing their needs, identified by Gelsthorpe et al (2007), is the development of a database of what programmes and services for women are available within the statutory and voluntary sectors. This could help indicate if or where greater links could be made between PBNI and women support groups or other

relevant agencies and would be an invaluable resource for probation staff in supporting women through referrals to services which may help address women's needs. The list of voluntary bodies dealing with offenders cited by the NIO (2006) does not include any groups identified as women specific, providing services for women offenders. Only one service is explicitly identified as providing support for women offenders. This is Floating Support, within Extern, which aims to provide supervision and support for both men and women offenders who present a wide range of problems and needs.

The review of the literature relating to the UK and the ROI highlights the lack of programmes and interventions both in the community and in prisons designed specifically for women. There is also a lack of evidence relating to the effectiveness of the supervision of women in the community and the impact of community programmes on women. For example, McEvoy's (2002) review of the literature on prison based education and employment programmes, and the role of employability focused professional practice after release, identified only two studies which included women. Both studies by Hamlyn and Lewis (2000) and Webster et al (2001) are prison based, and only the former focused exclusively on women.

Also, in their review of literature on the effectiveness of community orders, Davis et al (2008) make one reference to females. The accompanying report on the supervision of community orders in England and Wales (NAO 2008: 3.1), recognises that 'the provision of requirements needs to be sensitive to the needs of women' and acknowledges that ongoing research into the effectiveness of requirements for women will enhance the evidence base. The only additional mention of women in the report draws attention to the fact that women are more likely to have to wait for programmes to start. The report recognises that delays in programmes starting may have a negative impact on women's motivation and that requirements incorporated into the sentence may not be completed before expiration of the order imposed on them.

Reviews of the literature (Clarke 2004; Gelsthorpe et al 2007) which focus on the provision of community interventions for women, suggest that this provision is often inappropriate particularly in relation to the structure and delivery of interventions. Gelsthorpe et al (2007) single out the provision of unpaid work placements and accredited programmes as particular interventions for women which are often inappropriate. Commenting on this Patel and Stanley (2008: 13) suggest 'that the way the intervention is structured and delivered is at least as important as what it is'. They argue that interventions must be suitable for women. This indicates that the development of community provision in Northern Ireland requires further consideration to be given to the quality and appropriateness of interventions for women.

The 'ISTD Handbook of Community Programmes' (Martin 1998) and the Howard League's (2008) 'Community Programmes Handbook' provide information on projects and programmes incorporated within community disposals in the UK. Martin (1998) identified five women-specific programmes in three areas in England, provided as part of an order and/or for voluntary attenders and other referrals. Approaches varied in terms of their use of group work, one-to-one, listening and befriending approaches, issue-based workshops, and educational and cognitive methods. In relation to programmes provided for adults in Northern Ireland, Martin identified 2 programmes run by PBNI. These included the Belfast Drama Project and Ramoan. They were underpinned by cognitive behavioural approaches and provided for convicted men and women as part of an order, with the former also providing for other referrals by probation and voluntary attenders. Both programmes have ceased to operate and the Howard League did not identify any community programmes provided for adults in Northern Ireland.

The priority given to cognitive behavioural approaches, and the absence of women specific programmes and evaluations of the impact of community supervision on women in Northern Ireland, are further emphasised by Hatcher et al's (2008) evaluation of offending behaviour programmes within the Prison and Probation Services of Northern Ireland. Whilst their evaluation is limited in relation to the consideration of developing community-based programmes for women, it highlights a number of relevant points. These include the need to take account of workloads in terms of balancing programme delivery with other duties and ongoing training needs of all staff to facilitate appropriate and effective provision, as well as to raise awareness of programmes among all staff to enhance referral practices. A further point they make of relevance to the development and operation of women-specific provision, is the need for more advanced 'supporting structures for the evaluation of programmes within Northern Ireland' (p. 27). They suggest that a specialised research unit would be beneficial. This would help facilitate the building of an evidence base for change and expanding community interventions appropriately targeted at women's risk and need, which has been deemed necessary by the Home Office (2004).

As part of the drive towards building an evidence base on what is effective with women offenders, Lovbakke and Homes (2004) note that specialist in-probation service provision was commissioned by the National Probation Directorate in England and Wales. As they explain, the pilot Real Women Programme (RWP) was designed for women serving a community sentence for an acquisitive offence. It set out to address concerns about women's participation in general offender behaviour programmes (Think First, Enhanced Thinking Skills, Reasoning and Rehabilitation and Priestly One-to-One) initially designed for male offenders. The programme, consisting of 31, two hour group work sessions divided into 3 phases, incorporates four main themes and uses materials which combine cognitive-behavioural approaches with tenets of rational emotive behavioural therapy. The main

themes are to assist female offenders to understand beliefs that are supportive of offending, to re-examine their motives, to re-evaluate the potential consequences of their actions and to develop the skills to seek fresh and realistic alternatives. The issues addressed focus more on interpersonal criminogenic needs than offending behaviour programmes designed for males. They include 'the offenders' relationships, roles, duties, self-esteem, and problem-solving skills with specific relevance to the role of women in society' (Lovbakke and Homes 2004: 2).

Lovbakke and Homes conducted a process evaluation of the implementation of the pilot RWP (since renamed the Women's Programme¹⁵ and accredited), which focused on the offenders' and tutors' experiences of the materials used. Overall they found that tutors and women were positive about the programme, particularly as regards its perceived impact. The positive impact identified by women included 'improvements in relationships, decision making, interaction with others, self-esteem, and sense of empowerment' (p. 4). Staff were positive about the impact of the programme on women in terms of the skills they acquired and its function as a social support group. Notwithstanding the significance of these issues for women, Lovbakke and Homes' evaluation was limited in terms of establishing the programme's effectiveness in reducing offending and factors relating to programme attrition. Commenting on these limitations they propose a wider study in order to determine whether the impact of the programme in terms of offenders' personal lives and on aspects such as employment and problem-solving skills has an impact on reoffending and reconvictions.

According to Gelsthorpe et al (2007: 40), who include the programme as a case study in their report, it would not appear that the programme has been formerly evaluated beyond the pilot programme and 'there is no evidence that there has been any research with regard to effectiveness of the programme as it currently operates in England and Wales'. Nevertheless, Lovbakke and Homes identify a number of key issues which would appear worthy of consideration in the planning and development of offending behaviour programmes for women in Northern Ireland. Described as 'issues likely to have an impact on the women's experience of the programme and treatment integrity' (p.8), they include the need for additional training for tutors, the amount of materials and lack of clarity as to how they should be used.

Lovbakke and Homes also identified a lack of awareness of the programme amongst non-programme stakeholders. This, as well as the concerns already noted about the lack of research into the programme, reflects Hatcher et al's (2008) concerns mentioned above about PBNi provision in general.

15. Women have to be on a Community Order and to have an Offender Group Reconviction Scale (OGRS) score of 30 and above (20-37 means low risk, a high risk score is 72 plus) to be eligible for the programme (Gelsthorpe et al 2007).

It reinforces their call for raising awareness of programmes among all staff and the provision of a specialised research unit, which according to the literature will enhance provision for women offenders.

A further concern raised by Lovbakke and Homes, of particular note for consideration in the development of Northern Ireland programmes for women, was the programme's failure to adapt the material, which had been developed in Canada, for a British audience. This emphasises the need to consider cultural differences when adapting programmes from other jurisdictions and the need for language and content to be suited to women in Northern Ireland.

A further programme which may be drawn upon to help inform the development of community-based provision for women in Northern Ireland is the Another Way Service, identified by the Howard League (2008). It is of particular relevance to the NIO (2009: para. 6.7) proposals to support women 'with needs related to their involvement in prostitution'. As explained by the Howard League, the Another Way Service (hereafter 'the Service') aims to reduce harm and provide street sex workers with possible exit strategies. It is provided by Sacro, an independent charity based in Edinburgh. The primary entry route into the Service is via a deferred sentence of three months duration, with the possibility of extension, for women convicted of prostitution offences. The procurator fiscal can also make referrals as a diversion from prosecution. Referrals from other support agencies and self-referrals are also accepted.

The Service encourages women to 'engage with drug treatment and other services and, if possible, to leave prostitution' (Howard League 2008: 101). The approach adopted involves provision of information and advice about treatment services, harm reduction measures and a wide variety of relevant health, housing, employment and social services for the women involved. Women are supported in addressing issues such as low self-esteem and putting previous relapses or negative experiences in to context. The Service also supports them to structure their time to facilitate appointment attendance and maintain contact with other agencies. Meetings may be held with women in their home, in Sacro's Community Links Centre or at the offices of other agencies involved.

The Howard League describes the Service as 'unique and extremely successful' in its ability to engage with this 'difficult-to-reach' group of women (p. 84). It states that the evidence produced by the project demonstrates success in helping women stop street working by supporting them to reduce or stop their drug use and reduce offending behaviour. The success is attributed, in part at least, to the Service's ability to build professional relationships with the women and the extensive effort put in to making referrals to specialist agencies. An evaluation of the Service (Sacro 2007, cited in Howard League 2008: 105) found that since it started in 2005,

the Service 'exceeded all expectations' and drew positive comments from service users, healthcare services, drug services, specialist services for sex workers and sentencers. Moreover, in addition to providing women with an opportunity to get drug treatment and support, the Howard League notes that the Service has also been found to be successful 'as it provides courts with an actual alternative to fines or imprisonment' (p. 104).

The Howard League (2008) has also commended Sacro's Alcohol Education Probation Service (AEPS). Men and women who acknowledge that their offending could be reduced if their alcohol use was under control may be referred to AEPS. It provides gender-specific groups underpinned by cognitive and behavioural methods. The Howard League states that gender-specific programmes 'encouraged positive personal change' (p. 96), but findings it cites from an evaluation in 2004 do not distinguish between men and women who participated in the programme. The findings by Cutting (2004) suggest that AEPS reduced the frequency of reconviction, with 64% of completers having no further convictions within a 2 year follow-up period. She acknowledges, however, that other potential factors were not controlled for. It could also be assumed that the impact for women was not analysed given the small number involved (8).

As noted in the previous chapter, the NIO (2009) proposes incorporating the use of electronic monitoring into the strategy for the management of women offenders. It 'hopes' that the application of electronic monitoring as part of a community sentence, whereby 'a woman can remain at home with her family, and undertake education, training, work or rehabilitative programmes ... will, in many cases, have a positive impact on women offenders, possibly contributing to a reduction in re-offending' (para. 5.3).

It would appear that electronic monitoring has been legislated for and its use for women offenders has been proposed in the absence of a full examination of evidence on the impact of electronic monitoring as an alternative to custodial remands and sentences, and on recidivism. Seymour (2006: 26) draws attention to international evidence which 'strongly warns against the use of electronic monitoring' in light of the extremely limited data on its effectiveness in reducing both the prison population and recidivism.

Indeed the evidence that does exist, including Francis et al's (2008) recent review of international research on reducing offending, suggests that in the absence of rehabilitative interventions, electronic monitoring has little impact on recidivism. Moreover, their review reveals that electronically monitored offenders on curfew orders were found to have a higher rate of reoffending than control groups. However they suggest that 'heightened surveillance' may be effective 'when combined with treatment and support mechanisms for offenders' (p. 48). Contrary to this, Carlen and Tombs (2006: 350) raise the concern in relation to women that combinations such as home confinement and electronic surveillance with treatment services including, for example,

drugs counselling and anger management, render increased breach rates a 'foregone conclusion'.

The evidence would appear to support arguments against the use of methods of coercion, control and incapacitation, such as electronic monitoring and curfews, if not combined with rehabilitative interventions, but it remains unclear whether or not this combination would be effective and appropriate. This is particularly true in relation to women who offend, given the almost complete absence of research on women and the use of electronic monitoring in UK studies. For example, Hucklesby (2008) points out that further research is required to determine the relationship between the use of curfew orders in conjunction with other conditions as part of a community sentence and their potential to facilitate desistance. She also cautions that 'a more consistent system of recording of information between the Probation Service, the monitoring companies and the courts' is needed to facilitate such research (p. 68).

Hucklesby's (2008) study of electronically monitored curfew orders in England and Wales only included 4 women and cannot provide specific evidence relating to their impact on women. However, notwithstanding the additional research limitations which she acknowledges, her findings suggest that orders' effectiveness 'would be enhanced if it was possible to identify accurately those offenders who were likely to react positively to electronic monitoring ... [and] if courts took account consistently of the likely impact of curfew orders on employment, family circumstances and caring responsibilities' (p. 68). The potential for orders to be relatively more restrictive for women, because they are more likely to have unshared domestic responsibilities, including childcare responsibilities as single mothers has been raised by practitioners in an evaluation of electronically monitored restriction of liberty orders in Scotland (Lobley and Smith 2000). Lobley and Smith (2000: para. 7.1) report that a number of interviewees also thought 'resources could have been better used, for example in preventive work with ... young women at risk of developing criminal careers'. Aside from explicitly noting the outcome in terms of completion for the 9 women included in their study and the offences for which they were given the order, the evaluation provides no further insights into women's experiences of the order or its effectiveness in reducing women's reoffending and imprisonment.

In her study of women's compliance with community sentences, Storer (2003) found that decisions to comply, for example with the requirement to attend the probation office, do not seem to be related to negative outcomes for non-compliance or physical methods of control. She, among others, suggests that the factors which have an impact on women's ability or willingness to attend appointments, include childcare responsibilities, awareness of the role of probation and links with support services, and consistency in the relationship with a supervising officer as opposed to continual change of officer.

A range of recent Home Office studies have evaluated the implementation and/or effectiveness of strategies, projects, community initiatives, programmes and interventions utilised to address offending. The resulting reports include, for example, those by Hollin et al (2002; 2004) on Pathfinder programmes in the Probation Service, Holloway et al (2005) on interventions for drug users, Hope et al (2004) on strategic development projects focusing on burglary, Partridge et al (2005) on intensive control and change programmes, Huckelsby et al (2007) on restriction on bail pilots, and Dawson and Cuppleditch (2007) on prolific and other priority offenders. These reports provide little if any information on women offenders. Even those which include women, tend only to mention them in passing, and fail to provide a picture of the impact of interventions on women's needs and offending behaviour.

The lack of research appears to reflect the 'What Works' agenda and resulting focus of resources on risk factors and the accompanying male-focused interventions. It also reinforces the need for further investigation. For example, Holloway et al (2005: vii) draw attention to 'the importance of ensuring that treatment is better suited to meet the needs of women in order to obtain successful outcomes'. However, they acknowledge that 'the interaction between type of programme and type of subject' has not been investigated and 'the evidence that has been provided at least suggests that this is an area that might be worth investigating further' (p. vii). As noted in Chapter 1, Lart et al (2008: ii) point to the lack of firm conclusions that can be drawn from the findings of Holloway et al and argue that 'very little [is] known about use of, and effectiveness of, community-based as opposed to prison-based services'.

The emerging literature which focuses on responses that take account of women's specific needs provides some indication of what constitutes appropriate and effective provision for women who offend. Pollack (2008), for example, outlines a number of key factors which she recommends should inform community-based responses for women. They include:

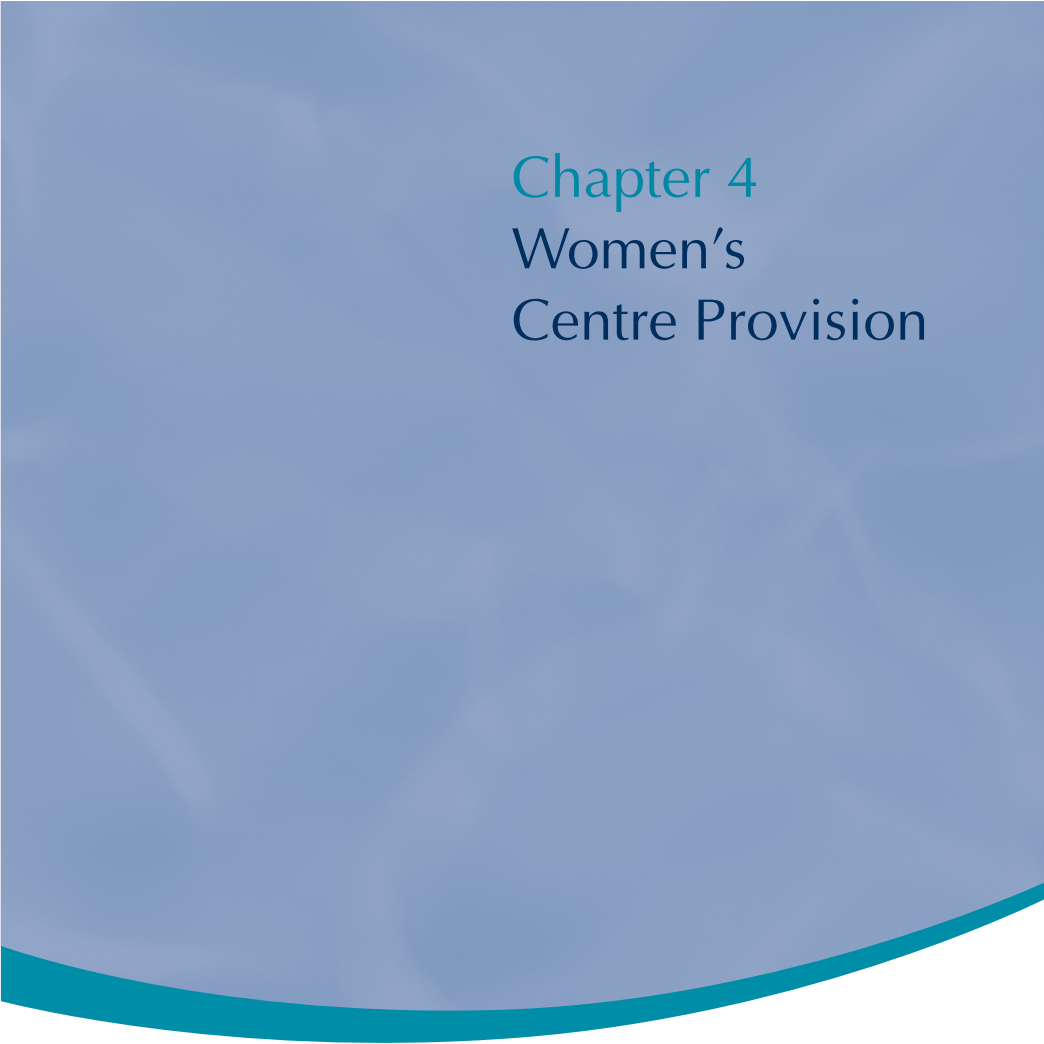
- Utilize the expertise of women who have experienced criminalisation and/or addictions. Employ women as addiction supports, mentors, outreach workers, etc. with the lived experience of criminalisation and/or addictions.
- Maintain autonomy from the criminal justice system in terms of the confidentiality of documentation and programme/service content and delivery.
- Provide alternative frameworks for understanding women's criminalisation that do not replicate dominant discourses of women as pathological and/or 'bad'. This involves understanding the structural, systemic and relational factors, such as racism, poverty, and violence that affect women's lives.

- Have awareness that prison is damaging and that part of release involves coping with the social and emotional after-effects of being imprisoned.
- Advocate with and on behalf of criminalized women.
- Connect with organizations with expertise in the area and work with mental health, addictions, and trauma organizations to expand their organizational mandates to include enhancing prison conditions and community supports for women.

Summary and Conclusions

This chapter reveals concerns relating to the use of community sentences by courts and the provision of appropriate interventions, services and programmes in the community for women. The literature indicates that further research is required into the specific needs of women serving community sentences and the sentencing decisions which lead to community sentences. It appears that concerns relating to the appropriateness of sentencing decisions and the bail/custody decision in relation to women may be addressed through the increased availability and co-ordination of, and funding for, women's services in the community, and increased awareness on the part of the courts and prosecutors concerning women's experiences.

The evidence suggests that there is a distinct need for additional provision in Northern Ireland to provide services for women who offend presenting with mental health issues, and learning difficulties and disabilities. It also indicates that additional community-based, women-specific interventions, services and programmes are required for women serving community sentences. The move towards recognition of this need for women-focused interventions is evidenced in the UK by the provision of women's centres offering women-centred programmes and interventions. The literature that this has generated is reviewed in the following chapter.



Chapter 4

Women's Centre Provision

Chapter 4 Women's Centre Provision

Evidence relating to best practice in addressing offending by women is beginning to emerge in the literature detailing evaluations and reviews of the implementation and impact of women's centres in Britain. Evaluations of the provision of women's centres in Scotland, England and Wales are discussed below. This discussion highlights positive aspects as well as issues of concern raised in relation to the provision of women's centres in Britain. It is of particular relevance to the development of the women's centre, known as the 'Inspire Project', which is being piloted by the PBNi in Belfast. The centre provides for 'women offenders ... drawn from appropriate women on community supervision and those currently in custody who are eligible for day-release and/or a working-out scheme for female life sentence prisoners' (NIO 2009: para. 7.7).

4.1 The 218 Centre

The 218 Centre in Scotland has been chosen by Gelsthorpe et al (2007) as one of the four case studies in their review and has been evaluated by Loucks et al (2006), with the evaluation commented on further by Malloch et al (2008). This literature attributes the introduction of the Centre to the Chief Inspectors of Social Work and Prisons review of the use of custody and community disposals for women offenders following the high number of suicides at Cornton Vale. The resulting 1998 report, *Women Offenders: A Safer Way*, recognised the multiple disadvantages which characterise the lives of women in prison and prison conditions. It recommended a review of measures to divert women from custody and the development of services for female offenders including residential and non-residential support services within 'Time Out' centres. The 2002 Scottish Executive report, *A Better Way*, recommended placing greater emphasis on: alleviating the social circumstances that lead some women to offend, early intervention to meet women's needs and divert them from custody, the use of community disposals including the development of the previously proposed 'Time Out' centre, rehabilitation and 'treatment' as opposed to the prevailing emphasis on punishment, and the development of gender-responsive provision. Malloch et al note that 'the emphasis given to poverty and its impact on female offending was reduced' between the two reports (p. 384). Also, arguments for a cap on prison numbers and reforms to sentencing practices in conjunction with developing and operating community-based services as alternatives to custody were dropped in the second report.

The 218 Centre was set up in Glasgow in 2003 and is described by Malloch et al as 'an innovative resource', which provides both residential and community-based services, offering women an opportunity for 'time out' of their normal environment without resorting to 'time in' custody' (p. 383). Loucks et al's evaluation of the Centre and Malloch et al's discussion of the

early development and operation of the Centre highlight a number of issues and challenges worthy of consideration in the development of the women's centre in Northern Ireland.

The main aims of the evaluation, as described by Loucks et al, were to evaluate the operation and effectiveness of 218; highlight examples of good practice and identify areas for improvement; determine the extent to which addiction and offending can be addressed together; assess the success of 218 in linking women into mainstream services on departure; assess and determine the effectiveness of the Centre in relation to costs, outcomes and overall effectiveness in achieving its stated objectives (p. 1). The evaluation findings are drawn upon in the following outline of key aspects of the Centre.

The Centre, based on a single site in Glasgow, was set up to provide a range of services for women involved with the criminal justice system, 'in order to reduce reoffending and consequently to reduce the number of women who end up in custody' (Loucks et al 2006: 1). Its objectives, as described by Loucks et al, are to provide a specialist facility and safe environment for women in which to address offending behaviour; tackle the underlying causes of offending behaviour; help women to avert crises in their lives; and enable women to move on and reintegrate into society. Turning Point Scotland, a social and healthcare charity which had previous experience of providing support for women with complex social needs, particularly in relation to drug and alcohol issues and the National Health Service are the main service providers. Gelsthorpe et al (2007: 33) suggest that this combination helps 'to convey something of the focused sensitivity of an established voluntary organisation working with women, and the focused delivery and efficiency of a statutory service'.

In line with the aim of the Centre to provide both diversion from prosecution and an alternative to custody, a range of referral routes exist. Women from Glasgow can access the Centre from the courts, from prison, or as part of a sentence. They can be referred by agencies or make self referrals if they have been in custody, including police custody, at some time in the previous 12 months. Loucks et al found that the initial court assessment and the 3-stage formal process of assessment, appeared to appropriately identify the target group for referral and engagement. However, they note that it has been 'a challenge to ensure that agencies 218 was intended to serve – namely criminal justice agencies - were aware of its existence and the client group to which it was intended to respond' (p. 2). Referrals from criminal justice sources such as sentencers only began a year after the Centre was in place. Consequently, initial referrals often related to women considered by stakeholders to be 'on the path' to custody rather than at immediate risk. As the service developed and the proportion of direct criminal justice referrals increased, Loucks et al found that more women accessed the service as a direct alternative to custody.

The Centre is designed to address women's offending by responding to substance misuse and related issues of poverty and psychological distress. It provides a day service and time-limited residential service which offers accommodation with twenty-four hours a day support. A range of multi-agency support is offered by the service including assessments, healthcare, prescribing and support for detoxification, psychological and psychiatric services, alternative therapies and emotional support. Childcare facilities are not provided because, according to Gelsthorpe et al (2007), it was thought that women needed the opportunity to participate in the Centre's activities and programmes without worrying about their children while at the Centre.

Loucks et al (2006) note that sufficient funding ensured the Centre provided the planned services. However, they found that the range of services in-house created both benefits to service users, who could access support from different agencies in one location, and a number of difficulties generally related to multi-agency working and the management of multi-professional teams. The difficulties identified highlight the need to clarify operational objectives and systems for monitoring these. It is also necessary that clear responsibilities and decisive means of overseeing service provision are defined where multi-professional teams work together. Loucks et al suggest that this issue may have been addressed if a Monitoring or Advisory Group had been in place from the outset. Delays in establishing such a group seemed to exacerbate the apparent absence of 'joined-up' planning at senior levels and limit a more structured oversight of the Centre (para. 6.42). The need to address concerns relating to joint working between different agencies was reinforced by the clear commitment of workers to deliver a unique and effective service.

Loucks et al also note that the provision of an inter-agency advisory group would have helped assist the Centre in developing links with other agencies across a number of areas. They point to difficulties for staff attempting to increase the profile of the Centre while, at the same time attempting to link women in with other services. The links that were made to enable service users to move on from the Centre were found to be generally good and important links had been established with social work departments and the Social Inclusion Partnership network. Services that women were referred to from the Centre included counselling, training or other support. Although a number of women reported that the Centre had helped them find stable accommodation, Loucks et al note that finding suitable housing for service users, and accessing community-based prescribing services and addiction workers presented more consistent problems. They suggest that the use of designated outreach staff rather than project workers to link service users with resources outside may be more effective.

Feedback which Loucks et al received about the Centre was ‘almost universally positive’ (para. 8.20). The Centre was actively praised by service users and they believed it addressed their needs. Although some criticism was made of policies regarding family contact and time out of the Centre for residential service users, Loucks et al note that most of the women understood and accepted reasons for restrictions. Staff believed the support provided was appropriate and its strength lay in the emphasis on relationships with service users. Support available from both health and addiction workers to enable women to address substance misuse was viewed by staff and service users as a crucial component of the service. The availability of ongoing support was also identified as important in the prevention of relapse. The majority of service users (83%) interviewed by Loucks et al said their drug and/or alcohol use had decreased or, for most, had stopped and about two-thirds (67%) gave specific examples of direct improvement to their health and well-being as a result of attending the Centre.

Loucks et al identify the difficulty in measuring the effectiveness of the Centre in quantifiable terms due to its broad remit and pragmatic development. Their evaluation in relation to sentencing patterns and reconviction rates was also hampered by the lack of available statistics. However their interviews with sentencers and prosecutors revealed that they value the Centre as a resource and make use of it. They also found in individual cases that referrals to the Centre through, for example, diversion from prosecution or direct bail often successfully diverted women from custody, in the short term at least. They draw attention to the fact that the range of benefits provided by the Centre would not be available to women serving custodial sentences.

Malloch et al (2008: 390) draw broad conclusions from the evaluation of the Centre and related literature which would appear to provide some direction in relation to incorporating evidence of best practice into the development of provision for women who offend in Northern Ireland:

“It would appear that to reflect best practice, community-based services for women should, wherever possible, be based on multi-agency co-operation, particularly in terms of the integration of mental health and substance abuse services and should be focused upon individualised treatment informed by care plans derived from comprehensive assessments. The environment where support and intervention takes place should be ‘safe’ and after-care should form a key element in service provision. The significance of effective relationships between women and workers is also crucial”.

4.2 The Together Women Programme

In relation to England and Wales, the Women's Offending Reduction Programme (WORP) was introduced in 2004. Gelsthorpe et al (2007: 10) attribute this to 'a succession of reports expressing concern about the increasing use of imprisonment for women ... [and] damning Prison and Probation Inspectorate Reports in relation to the treatment of women'. The reports served to highlight the distinctive needs of women offenders and WORP focuses on improving community-based services and interventions that are better tailored to the needs of women and supporting greater use of community disposals as an alternative to short prison sentences (Gelsthorpe et al 2007). The accompanying action plan is designed to make policies and services more appropriate for women offenders at every stage of the criminal justice process (Gelsthorpe et al 2007) and recognises the importance of building an evidence base on what is effective with women offenders (Kemshall et al 2004). Corston's (2007) recommendations recognised the lack of an evidence-base. In response, a cross-departmental project has been set up to examine the extent and nature of current women's centre provision and present proposals on how existing services and support in the community can be developed and coordinated to improve the response to women's needs. Further developments in response to Corston's recommendations include the publication of the National Service Framework for Women Offenders, the Prison Service Gender Specific Standards and the Offender Management Guide to Working with Women.

The Together Women Programme (TWP) which began operating in 2006 was commended by Corston (2007). In view of the male-oriented design of organisational arrangements and rehabilitative services in general, Corston recommended further provision of the holistic, women-centred approach adopted by TWP as an alternative to custody. It provides demonstration projects, which adopt an integrated approach to service delivery and rely on multi-agency co-ordination for women offenders and those at risk of offending on a day service basis. As Gelsthorpe et al (2007) explain, projects entail a combination of one-stop-shop type provision providing a focal point for the delivery of services with linked key workers. The key workers 'facilitate women's access to services from point of arrest to release from prison, helping to locate resources in the community that would support diversion from the criminal justice process or from custody, or support resettlement' (p. 10). Services to address offending and women's needs, and preventative services to divert women from both prosecution and custody are provided. This is in line with the aims of Together Women, which include primary aims to reduce re-offending and to divert women 'at risk' of offending from becoming offenders, and secondary aims to divert women from prosecution and custody (Hedderman et al 2008).

Hedderman et al (2008) conducted action research with Together Women operating at five centres. Noting that the exact range of support provided varies between the five centres according to local demand and local partnerships, they describe the range of support as including training on issues such as parenting, managing mental health, life skills, thinking skills and addressing offending behaviour. As well as each centre making arrangements for service providers to hold surgeries covering issues such as accessing benefits or housing, they operate as drop-in centres where women can access activities such as reading groups and complementary therapies. An assessment of needs determines the level and range of services a woman receives. This, as Hedderman et al explain, is 'a key element of the Together Women approach' and the intention is to produce a holistic support plan (p. i). They go on to note that the involvement of service users in the design and review of their plan 'is expected to be empowering which is seen as an important step in getting women to take control of their lives'. However, they note the difficulties the approach adopted may pose for determining completion, in that the pace of change in relation to the objectives agreed in plans is tailored to individual service users' wishes and the scale of involvement can be revised.

Attention is drawn by Hedderman et al to the fact that Together Women partially bases its work in addressing offending upon the risk-needs model, from which it follows that an intervention must focus on criminogenic needs, and also includes work on non-criminogenic needs. Given the explicit aim of reducing reoffending, they argue that 'it is important to spell out precisely how working with non-criminogenic needs will support this objective' (p. 25). They note that in the absence of an explicit model of change, it is not possible to fully prescribe what should be assessed, what processes should be looked for, and what outcomes might be expected. They suggest that an alternative might be to re-imagine Together Women as a broad-ranging support programme for any severely socially excluded woman in which preventing offending and reducing reoffending remain objectives, but not the principal ones.

Stakeholders recognised that Together Women filled a gap in provision through adding to and linking up services already available, and the majority appreciated the importance of separate women-only provision. Hedderman et al found that the centres did join up existing services effectively and created new links, however continuing gaps were identified in the provision of suitable accommodation, access to counselling and mental health outreach services. With the exception of probation staff, agencies were described as 'whole heartedly welcoming and co-operating with the projects' (p. 26). Despite attempts to build up trust and secure probation referrals through a member of the Probation Service being seconded to one of the centres, 'probation staff reported some reluctance' to make referrals to Together Women (p. 26). Hedderman et al believe that this reflects an important need for further guidance and training for probation staff.

In relation to the use of Together Women by the courts as a means of diverting women from custody, Hedderman et al found differences in opinion. Interviews with magistrates and court legal advisors indicate that the aim of Together Women to divert women from custody is not being achieved and it is regarded as 'an almost exclusively low tariff option' (p. iv). On the other hand, Together Women staff suggest diversion from custody is achieved and identified cases in which it happened. Hedderman et al were unable to source evidence to support either view and noted that the impact of such projects on diversion from prosecution may be even more difficult to assess.

The use of separate women-only centres was 'highly valued' by the service users and they felt that staff were genuinely interested in them as individuals (Hedderman et al 2008: 26). After several months of contact with Together Women most of them indicated that they felt more optimistic about their chances of dealing with their problems and some were able to report specific examples of progress. Others were finding it extremely difficult to make progress, particularly if they were dealing with substance abuse issues. Hedderman et al agree with those involved in Together Women that, in order to obtain a comprehensive and accurate picture of its impact on women, it is important to measure incremental improvements rather than absolute success alone. They give the example of measuring changes from chaotic to managed drug use as opposed to focusing on the achievement of abstinence from drugs.

Hedderman et al emphasise the importance of developing a satisfactory database with the ability to store comprehensive information on services and the need to consider measures to overcome the difficulties for staff to maintain records, through for example dedicating a post to data entry. They raise concerns about the overall validity of the Together Women assessment measures, particularly given that its long-term viability 'relies on being able to document the assistance it has provided itself or through referrals and demonstrating a link between such assistance and a subsequent change in behaviour' (p. 27). They note the absence of specific objective measures to assess the pathways offered to women by Together Women, including improving accommodation, escaping domestic violence, reducing substance abuse and moving into education or employment, to prevent or reduce offending.

Hedderman et al also note that there is no practical systematic way of assessing Together Women's impact in terms of preventing offending among the group of women deemed to be at risk of offending. As a consequence, they recommend that no further effort is expended on attempting to measure the preventive value of Together Women for women who have never offended. Also in relation to this group, they recognise that practitioners welcomed the broad definition of 'at risk' women as it ensures that Together Women works with anyone assessed as needing help. However, they argue that there is a need to recognise 'the possibility that this might direct resources towards women not at risk of offending' (p. 28).

Key issues which Hedderman et al suggest should be borne in mind in future similar projects include commencing action research while projects are being planned, devising an explicit model of change and database to record and measure change, and raising awareness of the project to encourage its use by the courts as an alternative to custody. They also highlight important achievements which reinforce the benefits of women-only centres including the important gap they fill in provision, the role they play in joining up services effectively and the valuable assistance and access to other local services they provide to service users.

4.3 Women's Turnaround Project

Information on the Women's Turnaround Project in Cardiff (hereafter, 'the Project') is drawn from Holloway and Brookman's (2008) report on Phase 1 of their process and impact evaluation of the Project from its launch in November 2007 through to July 2008. Their report documents and reflects upon the operational activities of the Project and considers the early impact it has had on women referred to it. Holloway and Brookman recognise that the short period of the Project's operation and limited data available render it difficult to reach firm conclusions on outcomes. Nevertheless, the findings they present would appear to be of value in the consideration of the development of the women's centre in Northern Ireland, in terms of highlighting positive aspects relating to the provision of services and operational issues which require attention.

The Project aims to support women who offend and women at risk of offending through the provision of a multi-agency, community-based service that addresses individual risks and needs by helping women identify their problems and find solutions to them. It is designed to provide support on a voluntary basis in a safe, non-intimidating environment. Referrals are made from partner agencies to the Project and Holloway and Brookman (2008: 3) note that initial referral targets had been met 'well ahead of schedule'. This was attributed, at least in part, to the Project being publicised by staff in a variety of ways. At the time of writing their report, referrals had been received from some twenty-five different sources including, among others, two prisons, the Probation Service, housing projects, Social Services, drug agencies and Women's Aid.

Holloway and Brookman explain that support and advice is provided by the Project on legal issues and issues related to housing, accommodation, education, training, employment, family, health, finance, counselling and substance misuse. They note that a housing option has been developed to run alongside the Project providing accommodation for women either on bail or released from custody on home detention curfew. This enables the Project 'to assist with bail, remand and post-custodial release accommodation' (p. 5). Staff at the Project refer clients on to partner agencies 'for specialist care and assistance' (p. 14). Holloway and Brookman found that referrals were made

by staff at the Project to a range of partner agencies including the Salvation Army, Taff Housing and a drug agency. However, due to staff shortages, up to date electronic records were not available, preventing comment on the number and nature of referrals.

Holloway and Brookman's evaluation of the Project indicates that it was 'designed appropriately' and 'developed successfully', and is generally regarded by stakeholders as 'a valuable source of assistance' for women as well as 'a useful focal point for the coordination of services' (p. 3). For the purposes of their evaluation they identified that the two main aims of the Project are to reduce the risk of offending among vulnerable women and to help vulnerable women achieve personal goals. All of the clients interviewed were positive about their experience of the project and praised a number of particular factors. These included 'the wide range of support offered, the flexible pace of working, the confidential nature of discussions, the non-judgemental nature of staff, and the ability of staff to uplift and empower them' (p. 3). Feeling supported was deemed to be of 'critical importance' (p. 21). Holloway and Brookman, however, draw attention to the importance of staff and clients agreeing appropriate boundaries in the working relationship at an early stage to avoid 'over-supporting clients' (p. 22).

The clients interviewed unanimously reported that the Project had helped them to reduce or stop offending and had empowered them to achieve personal goals, such as reducing drug or alcohol use, and improving self-esteem and sociability. 'Some support' for this was found by Holloway and Brookman (2008: 28) in case records which showed that only two women were known to have been charged with new offences. In addition, formal assessments by Project staff indicated that the Project had helped about two-thirds of clients to make 'significant positive steps' ranging from keeping appointments to remaining drug free (p. 28).

The main operational issues which the evaluation indicated the Project needed to address include the provision of adequate staffing levels to facilitate sufficient support for referrals and maintain electronic databases required to monitor the Project's progress towards achieving its aims, and the continuation of efforts to raise awareness about the Project and its services among referral agencies, in particular the prison. The need for Project staff to be 'extremely knowledgeable' about the agencies that exist and the services available to women was also raised. This reinforces the suggestion made by Gelsthorpe et al (2007), noted above in Chapter 3, that a database of existing community provision should be developed.

4.4 The Asha Women's Centre

The Asha Centre, opened in West Mercia in 2002, is a registered charity which provides specialist women-centred provision for disadvantaged women, including women who offend. It derived from a pre-existing probation group programme, developed between 1992 and 2001, which Gelsthorpe et al (2007) describe as an empowerment programme, based in women-only premises.

Gelsthorpe and Sharpe (2007) add support to the widely held perception that the Asha Centre exemplifies good practice in helping women address multiple problems and integrate into mainstream services. They commend the Centre's commitment to continued support and lack of differentiation between offenders, ex-prisoners and other disadvantaged women. Statutory referrals mostly come from health professionals, probation officers and social workers, with a few from employment services. All referrals irrespective of age are accepted, except where a woman has committed an offence against children as a crèche is provided for young children in the Centre. According to Gelsthorpe et al (2007: 37), the Centre has also established 'a pattern of cross-referrals' with voluntary sector referrers, including HomeStart, Citizens' Advice Bureaux, advocacy, counselling and housing benefit charities.

The Centre's aim is to link women isolated by disadvantage to resources that will help them to improve their social and economic potential and provides support to, on average, at least 100 women at any one time. It is a strictly women-only centre with no men allowed in the building during operational hours. Gelsthorpe et al (2007) note that this is a key factor in enabling the Centre to work with women who do not access mainstream services because of histories of sexual and physical abuse by men, and mental health problems that frequently follow. A further important feature of the Centre identified by Gelsthorpe et al is the provision of courses, with up to 200 places per week offered on short courses provided by the local college and centre staff, at the Centre, and in some nearby rented training rooms. The aims of the courses are to improve functioning, develop skills, and to encourage acquisition of qualifications and progress to mainstream opportunities. Additional provision includes advice sessions provided at the Centre by outside providers, referrals to external sources, volunteers to support individuals, social opportunities such as outings and a gardening club, an information, advice and guidance adviser, minibuses for those with transport difficulties, English language courses and facilities for probation service work with women offenders.

Gelsthorpe et al explain that initial assessment and planning interviews are offered to women referred to the Centre to help them identify the issues that present barriers for them to fulfil their potential and the resources that can be utilised to help them overcome these. The importance of women determining their own goals and progress is recognised as an important element of the Centre's ethos. A focus is maintained upon progression but is flexible to enable a more gentle approach for those whose confidence or mental health is damaged. Services tend to be provided in small groups of up to ten women, and it is believed that the mutual support, advice and influence of other Centre users is invaluable in motivating the women.

Based on an unpublished evaluation of the Centre's provision, Gelsthorpe and Sharpe (2007: 215) identify a range of outcomes which demonstrate its effectiveness. These include participation by women who for the first time accessed provision such as 'courses, advice sessions and signposting; self-reported improvements in functioning ... acquisition of qualifications and skills; and progression to mainstream further education, employment and voluntary work'. They also comment on the value of the programme for women offenders, 'Exploring Women's Lives', in 'empowering women who are ready to progress to mainstream provision' and its favourable, albeit not statistically significant, impact on reconviction rates, compared with those for custody, probation orders and community service orders. In addition, Gelsthorpe et al (2007) note that a qualitative evaluation of the programme conducted by Rumgay (2004) revealed that outcomes for participants and the views of partner organisations on the work of the Centre were, on the whole, very positive. Thus, demonstrating the perceived value of the work with women who offend.

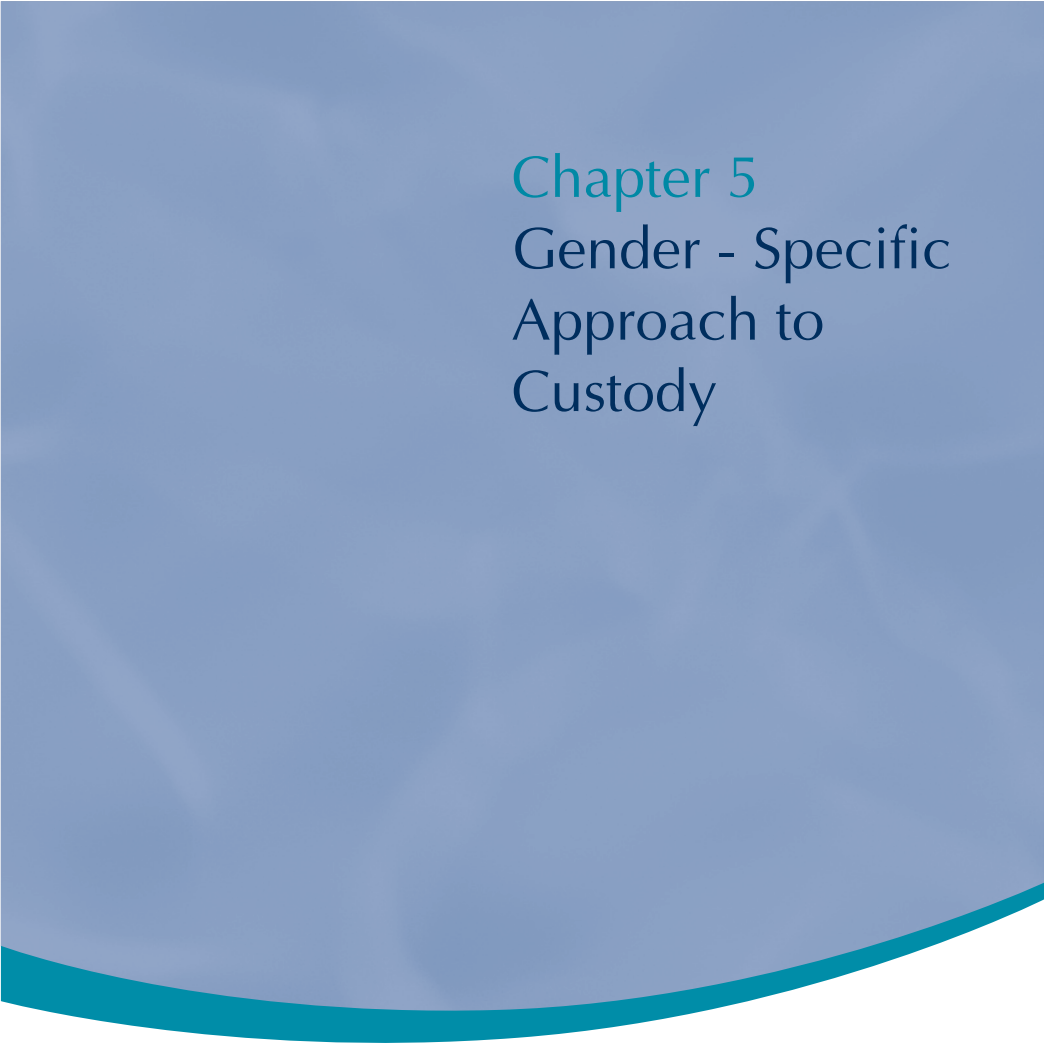
The key issue of funding for the Asha Centre, identified by Gelsthorpe et al (2007), would appear worthy of particular consideration in the development of the women's centre in Northern Ireland. They recognise the advantage of voluntary sector provision having 'the freedom to innovate and pursue promising features of practice', but note that this is severely limited by funding constraints (p. 38). Consequently they emphasise the need for long-term guarantees of financial support including from referral services and recommend assured levels of funding from health, probation and local authorities to maintain stability and further development of activities.

Summary and Conclusions

The emerging literature on women's centres indicates that best practice is reflected in the provision of community-based, women-only centres for both offenders and non-offenders, based on multi-agency co-operation, providing services which address the identified multiple and complex needs of women in a supportive and safe environment. Key features identified are that service users should actively participate in the assessment of their needs and plans to address these needs, and should have ongoing access to services when required. Practical help with issues such as accommodation, childcare and transport is also advocated. In addition, the need for ongoing evaluation and monitoring of women's centres, adequate staff levels and long-term guarantees of financial support are emphasised.

A further common theme identified in the studies of women's centres reviewed above is that communication within and between agencies providing services, and the courts' and probation officers' awareness of provision must be maximised. As Gelsthorpe and Sharpe (2007: 217) point out, it is also evidenced in their study of community provision for women who offend:

"both existing and potential provision among voluntary sector agencies in particular suggests a lack of communication within and between agencies ... A number of projects report low levels of referrals from statutory criminal justice agencies ... this type of provision [may not be] referred to in pre-sentence reports ... there is an urgent need to educate Probation Officers/Offender Managers ... so that they use existing community provision for women".



Chapter 5

Gender - Specific Approach to Custody

Chapter 5 Gender-Specific Approach to Custody

The patterns of multiple disadvantages among women who come into contact with the criminal justice system are particularly evident in the literature on women in prisons. Women prisoners' experiences of poverty, physical and mental health problems, precarious accommodation, drug misuse and abuse are recognised throughout the UK, the ROI and internationally. The literature demonstrates the severe social exclusion experienced by women prior to custody and raises questions about the adequacy of social service provision and wider social policy decisions. Hamilton and Kingston (KHF 2007), for example, argue that this indicates a need for a radical shift of resources and a prioritising of support for a preventative approach to tackling social exclusion and poverty. A number of issues are also raised about the use of custody for reasons other than offence seriousness, the impact of custody on women and how women are dealt with in custody. The fact that imprisonment exacerbates women's pre-custody problems and these problems impact upon women's experiences of imprisonment, intensifying the 'pains of imprisonment' is well documented. Furthermore, the cumulative disadvantage women prisoners tend to experience on release has long since been recognised.

Research and official inspection reports in Northern Ireland, as elsewhere, demonstrate the inadequacy, inappropriateness, ineffectiveness and destructive nature of custody for women (HMCIP/CICJNI 2005; 2008; IMB 2008; Scraton and Moore 2005; 2007). As discussed in earlier chapters, they reinforce the need to reduce the inappropriate use of custody for women through the introduction of appropriate measures to divert women from prosecution and custody. They also emphasise the crucial importance of taking account of the gender-specific needs of women in prison in terms of providing appropriate facilities, activities, support and interventions to address their throughcare/resettlement needs.

This chapter discusses key issues related to the development of a gender-specific approach to women in prison in Northern Ireland. The first section focuses on the recognised need for a separate women's facility to replace the use of Ash House, which is situated within Hydebank Wood Young Offenders' Centre. The second section discusses the development of the regime in Ash House in relation to key issues raised by HM Inspectorate of Prisons (HMIP 2005) in a review of the literature on women in prison. The final section focuses on research findings reported by Carlen and Tombs (2006) and Pollack (2008), and summarises the concerns they raise about the use of treatment programmes in prisons for women.

5.1 The Provision of a Separate Women's Facility

Recent attempts have been made by the Northern Ireland Prison Service (NIPS) to take account of women's needs and develop a gender-focused approach. This is evidenced by its needs assessment of women prisoners (NIPS 2005; Roberson and Radford 2006), the 'partially achieved' development of a female resettlement policy and constructive female regime (CJINI 2007: para. 8.1), and its role in the development and subsequent publication of Draft Standards for Working with Women Prisoners (NIPS 2009). In order to achieve appropriate provision for women, the Criminal Justice Inspection Northern Ireland (CJINI 2007) reiterated its recommendation that women prisoners be relocated from Ash House within the perimeter of a male young offenders' centre to a dedicated site. It also recognised that 'the development of community *diversionary* programmes in conjunction with PBNi' is key to the full implementation of the NIPS Resettlement Strategy Plan to support women in custody and on release (para. 8.7, emphasis added). It noted that progress had been made with the planned centre to provide 'residential accommodation as an alternative to remand in custody, as well as a Day Centre for female offenders' (para. 8.7). Based on the literature discussed in Chapter 4, it would appear that consideration should be given to the development of the women's centre as a viable alternative to custodial sentences in addition to remand.

The existence of a women's prison within the perimeter of a male young offenders' centre and the male dominated culture of the prison, as described by the CJINI (2007: para. 8.3), presents 'major challenges for the day to day operation' of the prison and is frustrating for staff. Of further concern, Scraton and Moore (2005, cited in Moore and Scraton 2009: 125) argue that 'while regimes and programmes within the prison were not gender specific in design or delivery; regulation, control and punishments were consistently gender specific'. Scraton and Moore (2007) make a range of recommendations for the provision of a gender-specific approach to custody for women, pointing out that 'gender-specific needs include separation from children, menstruation, pregnancy, post-natal provision, menopause, and the consequences of sexual, physical or mental abuse' (rec. 53). The recommendations include, inter alia, a separately managed women's custody unit, providing separate facilities such as healthcare, visits, kitchen, laundry, education, employment, gymnasium and transport; a predominance of female staff; gender specific training for all staff to include issues relating to women's needs and human rights; an end to strip searching in the absence of risk of serious harm to others; constructive and creative interaction between women and prison officers; maximised contact with family and friends; full access to education, work, and gender-specific rehabilitative and reintegration programmes developed in consultation with relevant state agencies, NGOs and women prisoners; a coherent, multi-agency strategy to respond to the needs of women diagnosed mentally ill and 'behaviour' or

‘personality’ disordered; the development of community-based therapeutic facilities offering gender-specific programmes, healthcare centre delivery offering a gender-specific, therapeutic, constructive and interaction-based programme for vulnerable prisoners; a gender specific policy for ‘foreign national’ women; a comprehensive strategic plan including guidelines for operational policies and practices (pp. 130-133).

The need for the provisions recommended is evidenced by Scraton and Moore’s (2007) research and official inspections since at least 1997 relating to women’s imprisonment in Northern Ireland (HMCIP 1997; HMCIP/CICJNI 2005; 2008; IMB 2008). Indeed, the literature throughout the UK, ROI and internationally demonstrates that the provision of custody for women is inappropriate and ineffective at best, and destructive and inhumane at worst. It shows that women prisoners’ needs are not addressed or, at least, are less likely to be addressed than male prisoners’ needs. This is reflected in the lack of, including absence of, policies, training for staff, programmes, activities and facilities for women prisoners. For example, to name but a few, concerns have been raised about the lack of: appropriate reception policies and practices; sentence planning and resources; adequacy in dealing with self-harm and suicide; provision for women with learning difficulties and learning disabilities (see for example, Talbot 2007); health care provision, including psychiatric care, and psychology and counselling services; facilities for children born in prison; support for women with children; programmes addressing drug and alcohol misuse; a full welfare service programme; work and education programmes; access to family and children, and community contacts; interventions addressing stress, self-esteem and experiences of abuse; special resettlement provision for those who entered custody from the care system; provision for foreign nationals (see for example, HMIP 2000); open prisons and step down/moving on units (see for example, NESF 2002); and a system of ongoing support services for women upon release (see for example, KHF 2007).

These concerns were identified in the ROI over twenty years ago by the Whitaker Committee (1987, cited in KHF 2007), but its recommendation that a suitable open centre be provided for women prisoners remains unfulfilled. They have also been identified in England and Wales, by HM Inspectorate of Prisons (HMIP 1997; 2005) and most recently in the Corston (2007) report. It would appear that it is primarily as a consequence of Corston’s report that a number of developments in England and Wales are being progressed in response to the extensive, long recognised concerns relating to women’s imprisonment. These include, the National Service Framework for Women Offenders (Ministry of Justice 2008a) which includes objectives to reduce custodial remands for women, and ensure sentenced women’s needs are met in the community wherever possible and custody is reserved for only the most serious offenders. More detailed operational guidance for prison and probation staff tasked with delivering services to women offenders is provided by the Prison Service Gender-Specific Standards which cover major aspects

of regime provision for women prisoners and the Offender Management Guide to Working with Women (see Ministry of Justice 2008a).

As evidenced by its partnership with the Criminal Justice Directorate of the NIO and PBNI in developing the standards, NIPS has also accepted the need for a gender-specific approach to custody for women. It acknowledges that the 'needs arising from prisoner numbers' and external reviews have influenced the proposal for a purpose-built separate women's facility (p. 60). The aims outlined by NIPS (NIO 2009) are to provide dedicated prisoner accommodation and support services to meet the needs of the women's prison population over the 15 year period to 2023; create a prison environment which is responsive to the particular needs of women, and which fits within the wider strategy for the management of women in custody; and permit a step change in the approach to management of women in custody (p. 60).

Anticipating a delay of 'some years' in the development of a separate, purpose built centre which has been widely recognised as crucial to facilitate best practice in working with women prisoners, incremental steps are being taken 'to promote a more gender-specific approach to the management of women in custody' (NIO 2009: para. 8.3). Whilst improvements in the current prison are to be welcomed, the evidence suggests that proposals for a completely separate facility for women prisoners should be provided as a matter of urgency. There is also cause for concern, as indicated by NIAC (2007), that the continued use of resources to 'upgrade' current provision may be cited as a reason for further delaying the provision of a separate facility for women. It could also be argued that the provision of a separate, smaller custodial unit, in line with Corston's (2007: 86) blueprint, for 20-30 women given a custodial sentence of over 2 years is necessary to help achieve the objective of diversion from custody emphasised by the NIO (2009).

5.2 Gender-Specific Provision for Women in Prison

Whilst the provision of a separate facility for women has been delayed, a number of steps which have been taken go some way towards addressing concerns about how women are dealt with in custody. Of particular significance to women prisoners for whom strip-searching is widely recognised as degrading and distressing, new search procedures which are 'less intrusive' are being piloted (NIO 2009: para. 8.4). This is in line with new arrangements in England and Wales which mean women prisoners will no longer be required to remove their underwear unless there is intelligence or suspicion at any stage that an item has been concealed (Ministry of Justice 2008b). The opening of an additional facility for extended family contact, including extended visits for women with their children is also in line with the widely recognised needs of mothers in prison. Further support required for women prisoners with children, particularly with regard to care proceedings has been identified as a common theme by HMIP (2005).

It recommends that a family support worker with particular expertise in this area should be available to support women in prison. This recommendation would appear to be of relevance to women prisoners in Northern Ireland, given their experiences of being denied access to their children as reported by NIPS (2005) and Scruton and Moore (2007).

HMIP (2005) draws attention to previous suggestions that the increased use of community penalties for women as well as the introduction of transitional prisons or smaller and less secure women's supervision, rehabilitation and support centres would help alleviate the disruption to women's families. It notes the potential for women's centres with crèche and transport services to provide for women with children. It also points to alternative methods ranging from women with children being given a suspended sentence to Germany's use of curfew units for women to remain with their children outside the prison gate. In addition, it comments on intermittent custody which was piloted in England to enable prisoners to maintain employment, family and community links through periods of custody interspersed by periods on licence in the community. It points out that the low number of women sentenced to intermittent custody, led to many programmes and work opportunities originally planned as part of the custody period not being provided. Gelsthorpe et al (2007) report that a preliminary study of intermittent custody found that sentencers and probation officers considered travel and childcare issues to be obstacles affecting both the recommendation and uptake of this sentence for women. Due to their concerns that 'the intermittent nature of custody may well militate against attempts to root the offender in a network of community resources', they welcome the fact that intermittent custody has been put aside (p. 14).

A further development noted by the NIO (2009: 8.5) is the provision of gender-specific training for staff, which NIPS introduced in January 2009, and the recognition of their need for ongoing support and supervision as well as the need for respect and reciprocal relationships between prisoners, and between staff and prisoners. NIPS also recognises the support required for staff working with vulnerable women with complex needs, including mental health problems. HMIP (2005) points to the additional need to ensure that adequate mental health care provision is available within the Health Service to prevent delays in the transfer of women prisoners assessed as requiring a mental health bed. It also cautions against mental health in-reach teams in women's prisons only focusing on the very high end of need, and advocates specialist counselling for women who have experienced sexual abuse and staff training in how to deal with disclosure of such abuse. Based on the positive views of women prisoners about the availability of independent confidential services from external agencies, HMIP emphasises the need for greater availability of services for women prisoners, including counselling services. It notes the benefits of a USA programme for survivors of abuse in terms of reduced recidivism for those who participated in the programme for six to twelve months compared with non-participants.

The example provided of good practice in England relates to the provision of a counsellor designated specifically to provide services for women who had suffered sexual violence in the past. In addition, each prisoner placed on a suicide and self-harm monitoring form, was offered crisis counselling entailing up to three crisis intervention sessions and the offer of ongoing counselling.

The NIO (2009: para. 8.6) notes that women will benefit from the establishment of a multi-disciplinary Offender Management Group, which will specifically address key issues, referring prisoners for support within NIPS in relation to issues such as offending behaviour, addictions, learning and skills, employment, and family links. The Group will help to prepare women for release on licence or to be seen by the Parole Commissioners, who will consider the available information and make a recommendation in relation to release. The review of literature suggests that a gender-specific approach to the Group's work with sentenced woman should be adopted, through for example the provision of a sub-group or manager specifically tasked with dealing with the women's prison and the sharing of best practice. The Sentence Plan Manager and Case Manager allocated by the Group to a sentenced woman should be drawn from a pool of staff who focus specifically on working with women and building links with women-focused service providers. This will enable women to be supported by those who have the most awareness of their needs and services available to support them. The Managers' task, as outlined by the NIO (2009: 8.7), is to 'work together to regularly review, address and case-manage each prisoner during custody and make preparations for their licensing conditions and onward connection with Probation services on release'. They will, 'at the appropriate stage of custody, consider all eligible women for conditional early release in order to support their rehabilitation, and test their readiness for returning to the community'. In line with the approach advocated in the literature on working with women offenders, the managers should involve women in the design of their sentence plan.

Gender-specific standards and guidance for staff have been developed by NIPS to underpin the management of women in custody in Northern Ireland. The NIO (2009: 8.9) also notes that the commitment of NIPS in relation to a gender-specific approach will be reflected in its developments to address all areas of regime and practice from reception and first night, through to release from custody. These will 'take account of some of the specific criticisms' raised in reports relating to women's imprisonment in Northern Ireland. Of relevance to these developments, HMIP (2005: para. 1.50) argues that 'it is imperative that adequate provisions are in place during the first nights in custody, including a strong support structure, good detoxification procedures and regular assessments'. Reflecting Scraton and Moore's (2007) recommendations, HMIP also advocates more interactive approaches which focus on prisoners' needs and concerns, as well as creating a culture of ownership in all staff. It draws attention to the self-harm review process,

Assessment, Care in Custody and Teamwork (ACCT) and emphasises the need for women-focused interventions to replace the use of segregation or special cells for suicidal and self-harming women. The progressive programmes it identifies in England include the alternative to self-injury programme (ASH) developed with women specifically in mind and an ASH-plus programme which incorporates motivational, PE and art sessions. HMIP also notes the 'more holistic' eight week Carousel programme, but acknowledges that cost, added to its length, renders it 'less appealing' to some women's prisons (para. 1.52). A further approach identified by HMIP is the provision of therapeutic sessions delivered to self-harming women in prison by volunteers from the Red Cross Skin Camouflage Service on a fortnightly basis.

In relation to resettlement, HMIP (2005) reinforces the concerns raised throughout the literature about the negative impact the loss of children has on women prisoners' resettlement into the community, particularly where they experience difficulties in securing stable accommodation. This emphasises the need for effective liaison between women's prisons and housing providers. HMIP recognises the need for further development of housing advice schemes and access to accommodation, and benefits advice for women prisoners to enhance resettlement. This requires additional inter-agency work and the provision of a specific women's adviser and housing assistant. Whilst inter-agency work is being developed in relation to the Northern Ireland prisoner resettlement strategy (CJINI 2007), further recognition of women-focused provision is required. Furthermore, as noted in Chapter 1, Loucks and Talbot (2008: 4) draw attention to the impact of 'scarce' resources, which limit work activity and pose difficulties for NIPS achievement of its stated aim to 'help reduce re-offending by providing prisoners with relevant skills, activities, services and resettlement programmes'.

HMIP (2005) notes that research findings point to women prisoners' need for training in job-seeking, interview and application techniques. The findings also reveal that work conducted by women in prison has little relevance to their achieving vocational qualifications or employment post-release, and criminal records present a major barrier to finding a job. HMIP argues that obtaining accommodation on release is most women's priority, but the importance of equipping women with the skills needed for employment on release should not be understated. It points out that the appropriate provision of work, education and training for women in prison is of particular importance due to the positive impact education, training and basic skills can have on offending, self-esteem and opportunity.

HMIP reinforces the view raised throughout the literature that a different and distinct approach to that provided for men is required for women, due to significant differences in offending behaviour, underlying circumstances to offending, and personal circumstances. It goes on to describe how prisons in England have attempted to address concerns about women prisoners

undertaking offending behaviour programmes, such as the enhanced thinking skills and the cognitive skills booster programmes, which were designed for men rather than with women in mind. The programmes specifically designed for women, documented by HMIP, target violent offenders, including those with borderline personality disorder (dialectical behaviour therapy), substance users (RAPt and P-ASRO), resettlement and people serving short-term sentences (Focus on Resettlement). HMIP also draws attention to the development of the offending behaviour programme, Choices, Actions, Relationships and Emotions (CARE), for women serving longer sentences. In relation to women prisoners' substance misuse, HMIP comments on the considerable progress made by prisons in England to address women's substance misuse. This includes the establishment of therapeutic communities, the building of residential rehabilitation units and introduction of voluntary drug testing units along with Counselling, Assessment, Referral, Advice and Throughcare (CARAT) teams which seek to ensure follow-up and treatment in the community. It was less positive about delays in the introduction of detoxification regimes.

5.3 The Use of Prisons as Treatment Centres

Carlen and Tombs' (2006) argument against 'psychological reprogramming regimes' for women is worthy of note within the context of examining a gender-specific approach to custody. They point to Carlen's assessment of the levels of integration of women following a period of imprisonment in England, France, Germany, Hungary, Italy and Spain. This found that women prisoners in all of the jurisdictions, including those which have the most developed reintegration rhetoric, had similar socio-biographies and post-release they were at least as excluded from social goods as they had been prior to their imprisonment. Findings for England suggested that 'there has been very little change in either the demographic characteristics of women prisoners or the post-prison experiences of female ex-prisoners' in the last 30 years (p. 338). They showed that 'women prisoners still have the same social histories of poverty, abuse, lone parenthood, homelessness and poor mental health', and following release are 'as badly off in terms of accommodation, job prospects, etc.' (p. 338).

Carlen and Tombs argue that within 'the mixed economy of the therapeutical prison', therapeutic programming is 'inevitably undermined' by coercive and punitive methods of control and containment (p. 339). In essence their argument is that the primary function of the prison, which is to keep people in confinement, militates against in-prison reform attempts. Yet, the reintegration industry claims that prison programmes can effectively rehabilitate. They argue that this has 'convinced sentencers that it is legitimate to send women to prison regardless of the triviality of their crimes because, in prison, they will be brainwashed into coping with their poverty in non-criminal ways' (p. 339). They draw upon interviews with sentencers

which indicated that imprisonment is ‘frequently’ justified for relatively minor crimes by claims that prisons can effectively address women’s needs (p.345). Their findings also suggest that rather than provide an alternative to custody, community sentences ‘strengthened the prison’s carceral pull’, with women being sent to prison ‘to save them from community punishments perceived to be too tough’ (p. 339).

In addition, Carlen and Tombs criticise Britain for not adopting recommended co-ordinated community provision for women, and opting instead for “cognitive behavioural’ programmes exported from Canada and costing thousands of pounds per prisoner’ (p. 344). They point out that prisons continue to import such programmes, despite research demonstrating their ineffectiveness in reducing re-offending, ‘while other, more recreational prison programmes have been abandoned on the grounds that they do not address ‘criminogenic need” (p. 344). They accept that many women may find in-prison programmes useful, but note that their provision may make prisons more attractive to sentencers. For example, they found that the provision of prison programmes may lead sentencers to believe that prison is the only place where women can get treatment, particularly where community-based programmes are thought to be under-resourced.

In relation to Canadian federal corrections, Pollack (2008: 17) warns that their current promotions as the World’s most gender-sensitive incarcerators of women must be ‘carefully scrutinized’. Essentially she puts forward the same argument as Carlen and Tombs that the primary function of the prison is not compatible with rehabilitative functions. Pollack’s research reveals that ‘the contradiction of a prison that is empowering is not lost on criminalized women who experience disillusionment and frustration when rhetoric does not correspond with reality’ (p.17). Most women in her study experienced imprisonment as anything but supportive and empowering and their ‘lived experience confirms the reality that the purpose and mandate of imprisonment is to punish and control’ (p.16). They put forward recommendations for how to improve women’s prisons if the goal of dealing with their various needs and of supporting their reintegration is to be achieved. The recommendations along with further comments by Pollack (2008) relating to her findings are noted here.

- A consistent ‘primary worker’ (correctional officer) with whom women can build trust and work on their goals
- Interventions which address needs identified by women themselves
- Flexibility in how group programming operates

Pollack notes that a number of issues were raised about the group format that dominates correctional programming. In addition to the prevalent concerns about confidentiality and trust (when you are living with the group members 24 hours, seven days a week), some women identified the need to be more flexible in how the groups were run by taking into account the needs of the women.

- Opportunity to learn from and receive support from peers

The women in Pollack's study repeatedly stressed the importance of having the opportunity to receive support from women "who had been there". In the context of prison programming, allowing women access to women with similar lived experiences of addiction and criminalisation was considered inspirational as well as an opportunity to connect with non-correctional workers with whom they felt they would have a more trusting and open relationship.

- Links to community services including mental health, addictions and trauma organisations
- Prisoner advocate inside who could help with grievances, access to information, and explain prisoner rights

Pollack concludes that 'prisons are not and *should not be* treatment centres' (p. 32, original emphasis). She advocates community resources to support women experiencing poverty, addictions and/or mental health, as well as the development of legal arguments against the criminalisation of women needing treatment. She reinforces her call for community rather than custodial provision, arguing that an alternative should be offered for 'women with histories of poverty, abuse and addictions, rather than an environment that replicates their unhealthy experiences' (p. 17).

Summary and Conclusions

Concerns have been raised about adapting Ash House for women prisoners in Northern Ireland rather than prioritising the development of a discrete women's facility with complete separation from male prisoners and gender-specific provision. Whilst NIPS has taken steps to improve the regime for women in Ash House, the literature provides extensive recommendations for additional women-centred policies and regimes which take account of the needs of women in prison and following their release. Emphasis is placed on addressing inter-related needs including separation from children, mental health, suicide and self-harm, experiences of victimisation, substance misuse, the provision of work experience and education opportunities, and access to community-based support services pre- and post-release and accommodation on release.

Recommendations put forward for prison-based programmes to address women's offending include:

- A consistent 'primary worker' with whom women can build trust and work on their goals
- Interventions which address needs identified by prisoners themselves
- Flexibility in how group programming operates
- Opportunity to learn from and receive support from peers
- Links to community services
- Prisoner advocate inside

There are strong arguments, however, that rehabilitative functions are incompatible with the over-riding punitive function of prisons and may legitimise sentencers' use of custody for women. A primary concern is to reduce the use of imprisonment for women without failing to ensure that women in prison are afforded appropriate provision. To this end, imprisonment should be strictly limited to the most serious offenders and community-based sentencing options, coupled with adequate provision of resources to address patterns of multiple disadvantages and social exclusion in the community should be provided.

Chapter 6

Conclusions

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The development of a gender-specific approach for women who offend recognises the need to address how women are dealt with in the criminal justice system and takes account of the significant differences between men and women in offending behaviour, underlying circumstances to offending and personal circumstances. The gender-specific approach proposed by the Corston Report in 2007 consolidated calls for a distinct, radically different, visibly-led, strategic, proportionate response to women who offend. It provides support to the consistent message that women who do not pose a risk to the public should not be imprisoned, and to the growing body of evidence that women who offend should be diverted from the criminal justice system wherever possible and their needs should be met.

In line with the literature which supports a gender-specific approach to address the needs of women who offend, Corston recommended a holistic, women-centred, integrated response. It is well established that such an approach is required to address the needs of women who come into contact with the criminal justice system presenting with multiple, complex problems. These include backgrounds of severe social exclusion, including experiences of poverty, abuse, poor mental and physical health, drug and alcohol addictions, low educational attainment, unstable accommodation and limited employment prospects. In order to address these inter-related problems it is acknowledged that consideration must be given to decision making processes within the criminal justice system, and women-centred provision and multi-agency co-operation which adopts a holistic approach to women's needs.

This review of the literature on the needs of women who offend and responses to them identifies a number of key themes worthy of consideration in the development of responses to address offending by women in Northern Ireland. In summary, it is evident from the review that policy and practice must be underpinned by a commitment to research, financial support, a shared ideology and communication. The main issues relating to each aspect are briefly noted here.

In relation to research, a core message in the literature is that policy and practice must be informed by knowledge and understanding of the complex issues related to the development of responses to women who offend. It demonstrates, quite clearly, the importance of understanding and appreciating the views, perceptions and experiences of those who operate the law and those who are affected by it. Yet, there is a distinct gap in information specific to Northern Ireland which is required to enhance an understanding of women's offending behaviour and their needs. Information on women's experiences of the criminal justice system tends to be limited to their experiences of imprisonment. There is also a lack of information relating

to how women progress through the criminal justice system. Given the particular nature of the social, political and economic context of Northern Ireland including its recent history and transitional status, it is important to understand women's lived experiences within this context. In order to understand why women offend and how best to respond to their needs it is necessary to illicit their needs, their experiences of the criminal justice system as a whole and how they make decisions. Also, in order to devise appropriate responses to women who offend, including the development of adequate and appropriate diversionary measures and sentences, it is vital to understand how women are processed through the criminal justice system. This requires up to date data and research evidence on the decision-making processes and practices within the police, the Public Prosecution Service, the courts, the PBNI and NIPS. The review highlights, for example, the need for a greater understanding of the courts' sentencing and remand decisions, and practices within the PBNI including the completion of pre-sentence reports on women and responses to women on community sentences. The need for further information including a database on current and potential provision within statutory and non-statutory agencies is also raised. In addition to the suggestion that developments should be underpinned by research, the need for ongoing evaluation and monitoring of existing and new provision is stressed. For example, this is clearly evidenced in the literature on women's centres and prisons.

In the development of responses to women who offend there is clear evidence that substantial, ongoing financial support is required. A financial commitment is necessary to facilitate research, leadership and governance arrangements, data-base and information systems, the development of appropriate measures to divert women from prosecution and custody, the provision of community-based services and interventions, including women's centres and additional health and social care services, and a separate women's facility to replace Ash House. Further issues raised in the review which require long-term guarantees of financial support include the need to address work-loads and training throughout the agencies working with women who offend. The literature reviewed, for example on measures to divert people from prosecution, community supervision, women's centres and gender-specific prison regimes, clearly demonstrates the need for significant resources. These include the provision of adequate and appropriate services, programmes, interventions, staff levels and training. The need for training throughout the criminal justice system, in particular to raise awareness of women's needs and available services among the police, probation staff, sentencers and prison officers, is highlighted throughout the literature. A consistent message documented in the literature is the need to enhance financial support for community-based services within and outside the criminal justice system which it is argued could lead to longer term savings. Specific attention has increasingly been given to the need for further investment to address mental health problems and learning disabilities and

difficulties within the community. Other areas identified as requiring further investment include the provision of affordable accommodation, childcare support, legal advice, education and training. In addition, a key theme within the literature is the need for a substantial investment to address social exclusion including the issue of poverty.

The evidence presented in the literature suggests that in order to reform the response to women who offend, the ideology underpinning policy and practice must be addressed. For example if increased diversion from prosecution and custody is to be achieved, the provision of adequate and appropriate alternative measures must be accompanied by the ideological commitment of prosecutors, probation officers and the judiciary to diversionary practices. This is particularly evidenced in the literature which demonstrates that legislation, policy and provision which support diversionary measures, have been accompanied by net-widening and up-tariffing of sentences for women. For example, in Britain despite legislative provision underpinned by the notion that custody is to be used as a last resort, commensurate with the seriousness of the offence and the introduction of additional alternative disposal options for the courts, research evidence shows a notable increase in women's imprisonment. The evidence suggests that this increase has taken place in the absence of an increase in the seriousness of offending by women. Indeed, the majority of women who offend are found to commit relatively non-serious offences and to be less likely to reoffend than men. In addition, despite a commitment by Government to the diversion of people with mental health problems and learning disabilities from prosecution and custody, imprisonment is being used for an unprecedented number of people with these needs. The evidence in the literature reviewed, therefore, points to the need for a coherent rationale to underpin the response to women who offend. It reveals that sentencers draw upon a number of conflicting and ambiguous justifications for the imprisonment of women. The provision of prisons for women is also seen to be legitimised by the ambivalence and conceptual conflict inherent in the roles of confinement and rehabilitation. The literature indicates that for women the underlying basis of imprisonment is punitive. It suggests that a clear statement of philosophy is vital to guide the operation of the criminal justice system, including the courts' sentencing practices and the actions of staff working with women. It is argued that diversion from prosecution and custody is paramount and the principles of empowerment, meaningful and responsible choices, respect and dignity, a supportive environment and shared responsibility should underpin women-centred interventions.

Finally, the literature highlights the significance of a commitment to communication. It demonstrates that this is of particular importance for two primary reasons. Firstly, communication is deemed to be vital to enhance knowledge and awareness among relevant agencies of gender-specific needs, the most appropriate and effective responses to offending by women and the availability of provision. Secondly, communication is deemed necessary to facilitate effective inter-agency co-operation and joined-up working. In relation to enhancing knowledge and understanding of gender-specific needs and responses to women who offend, the literature suggests that concerns relating to the appropriateness of sentencing and remand decisions may be addressed through increased awareness on the part of the courts and prosecutors concerning women's experiences and available provision to address their needs. This is inevitably linked to the increased availability and co-ordination of, and funding for, women's services in the community. The literature also highlights that communication within and between agencies providing services must be maximised to enhance working practices. This issue is emphasised in the literature on women's centres which demonstrates the importance of raising the awareness of provision among criminal justice personnel, including probation and court services and joined-up work within and between criminal justice agencies and other statutory and non-statutory agencies. The literature recognises that effective communication is required to facilitate referrals between appropriate service providers. This necessitates joined-up services, with visible leadership, a shared commitment to address women's needs and joined-up funding.

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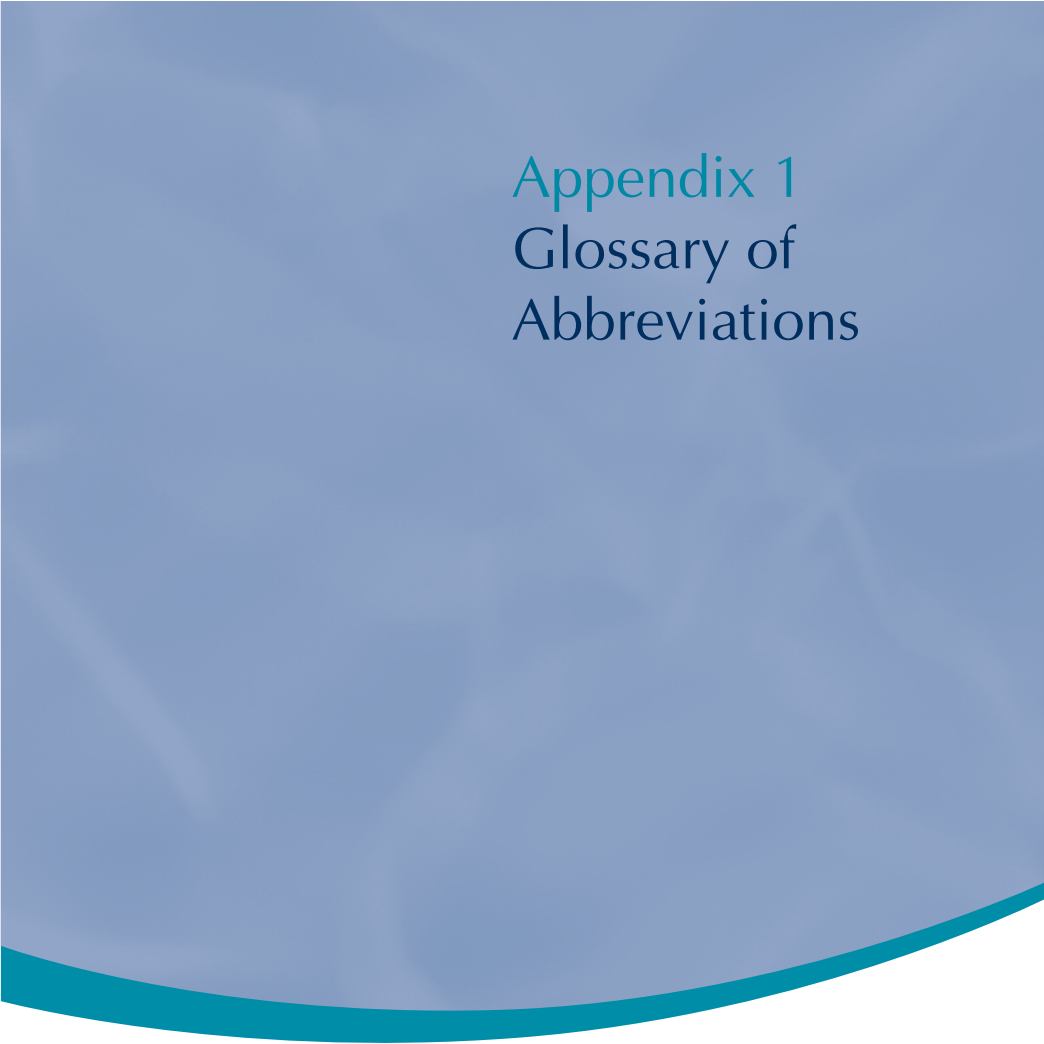
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Appendix 1

Glossary of Abbreviations

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ACCT:	Assessment, Care in Custody and Teamwork
ADS:	Alcohol and Drug Services
AEPS:	Alcohol Education Probation Service
AOP:	Anti-Oppressive Practice
AUDIT:	Alcohol Use Disorders Identification Test
CARAT:	Counselling, Assessment, Referral, Advice and Throughcare
CARE:	Choices, Actions, Relationships and Emotions
CICJNI:	Chief Inspector of Criminal Justice in Northern Ireland
CJINI:	Criminal Justice Inspection Northern Ireland
CJS:	Criminal Justice System
CPS:	Crown Prosecution Service
EM:	Electronic Monitoring
ETS:	Enhanced Thinking Skills
HMCIP:	Her Majesty's Chief Inspector of Prisons
HMIP:	Her Majesty's Inspectorate of Prisons
IMB:	Independent Monitoring Board
IQ:	Intelligence quotient
ISTD:	Institute for the Study and Treatment of Delinquency
KHF:	Katharine Howard Foundation
NAO:	National Audit Office

NESF:	National Economic and Social Forum
NIAC:	Northern Ireland Affairs Committee
NIACRO:	Northern Ireland Association for the Care and Resettlement of Offenders
NIHRC:	Northern Ireland Human Rights Commission
NIO:	Northern Ireland Office
NIPS:	Northern Ireland Prison Service
OASys:	Offender Assessment System
OGRS:	Offender Group Reconviction Scale
P-ASRO:	Prison - Addressing Substance Related Offending
PBNI:	Probation Board for Northern Ireland
PRT:	Prison Reform Trust
PSR:	Pre-sentence Report
RandR:	Reasoning and Rehabilitation
RAPt:	Rehabilitation for Addicted Prisoners Trust
REA:	Rapid Evidence Assessment
ROI:	Republic of Ireland
RWP:	Real Women Programme
SAO:	Supervised Activity Order
TWP:	Together Women Programme
WORP:	Women's Offending Reduction Programme
YJB:	Youth Justice Board

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